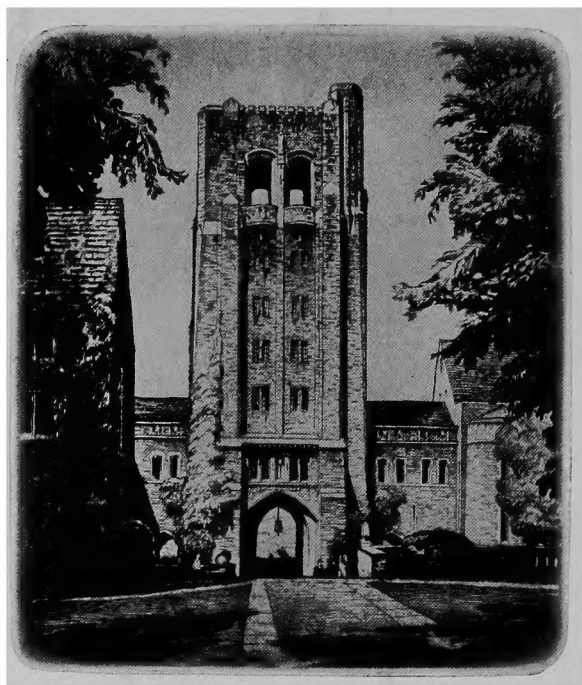




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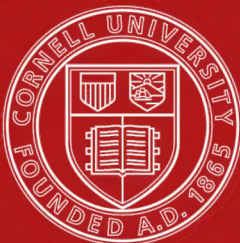
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OFFICE CONSOLIDATION
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PROVINCE OF ALBERTA

1906—1915



HIS HONOUR
GEORGE HEDLEY VICARS BULYEA
LIEUTENANT GOVERNOR

EDMONTON:
J. W. JEFFERY, GOVERNMENT PRINTER
1915

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THE ALBERTA ACT

An Act to establish and provide for the Government of the Province of Alberta.

(Cap. 3, 4-5 Ed. VII.)

(Assented to July 20, 1905.)

WHEREAS in and by *The British North America Act, 1871*, being chapter 28 of the Acts of the Parliament of the United Kingdom passed in the session thereof held in the 34th and 35th years of the reign of her late Majesty Queen Victoria, it is enacted that the Parliament of Canada may from time to time establish new provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such province, and for the passing of laws for the peace, order and good government of such province and for its representation in the said Parliament of Canada;

And whereas it is expedient to establish as a province the territory hereinafter described, and to make provision for the government thereof and the representation thereof in the Parliament of Canada;

Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as "*The Alberta Act.*"

2. The territories comprised within the following boundaries, that is to say,—commencing at the intersection of the International boundary dividing Canada from the United States of America by the fourth meridian in the system of Dominion lands surveys; thence westerly along the said international boundary to the eastern boundary of the Province of British Columbia; thence northerly along the said eastern boundary of the Province of British Columbia to the north-east corner of the said province; thence easterly along the said parallel of the sixtieth degree of north latitude to the fourth meridian in the system of Dominion lands surveys as the same may be hereafter defined in accordance with the said system; thence southerly along the said fourth Meridian to the point of commencement—is hereby established as a province of the Dominion of Canada, to be called and known as the Province of Alberta.

3. The provisions of *The British North America Acts, 1867* to 1886, shall apply to the Province of Alberta in the same way and to the like extent as they apply to the provinces heretofore comprised in the Dominion, as if the said Province of

Alberta had been one of the provinces originally united, except in so far as varied by this Act and except such provisions as are in terms made, or by reasonable intendment may be held to be, specially applicable to or only to affect one or more and not the whole of the said provinces.

4. The said province shall be represented in the Senate of Canada by four members: Provided that such representation may, after the completion of the next decennial census, be from time to time increased to six by the Parliament of Canada.

5. The said province and the Province of Saskatchewan shall, until the termination of the Parliament of Canada existing at the time of the first readjustment hereinafter provided for, continue to be represented in the House of Commons as provided by chapter 60 of the Statutes of 1903, each of the electoral districts defined in that part of the schedule to the said Act which relates to the North-West Territories, whether such district is wholly in one of the said provinces, or partly in one and partly in the other of them, being represented by one member.

6. Upon the completion of the next quinquennial census for the said province, the representation thereof shall forthwith be readjusted by the Parliament of Canada in such a manner that there shall be assigned to the said province such a number of members as will bear the same proportion to the number of its population ascertained at such quinquennial census as the number sixty-five bears to the number of the population of Quebec as ascertained at the then last decennial census; and in the computation of the number of members for the said province a fractional part not exceeding one-half of the whole number requisite for entitling the province to a member shall be disregarded, and a fractional part exceeding one-half of that number shall be deemed equivalent to the whole number, and such readjustment shall take effect upon the termination of the Parliament then existing.

2. The representation of the said province shall thereafter be readjusted from time to time according to the provisions of section 51 of *The British North America Act, 1867*.

7. Until the Parliament of Canada otherwise provides, the qualifications of voters for the election of members of the House of Commons and the proceedings at and in connection with elections of such members shall, *mutatis mutandis*, be those prescribed by law at the time this Act comes into force with respect to such elections in the North-West Territories.

8. The Executive Council of the said province shall be composed of such persons, under such designations, as the Lieutenant Governor from time to time thinks fit.

9. Unless and until the Lieutenant Governor in Council of the said province otherwise directs, by proclamation under the Great Seal, the seat of government of the said province shall be at Edmonton.

10. All powers, authorities and functions which under any law were before the coming into force of this Act vested in or exercisable by the Lieutenant Governor of the North-West Territories, with the advice, or with the advice and consent, of the Executive Council thereof, or in conjunction with that Council or with any member or members thereof, or by the said Lieutenant Governor individually, shall, so far as they are capable of being exercised after the coming into force of this Act in relation to the government of the said province, be vested in and shall or may be exercised by the Lieutenant Governor of the said province, with the advice, or with the advice and consent of, or in conjunction with, the Executive Council of the said province or any member or members thereof, or by the Lieutenant Governor individually, as the case requires, subject nevertheless to be abolished or altered by the Legislature of the said province.

11. The Lieutenant Governor in Council shall, as soon as may be after this Act comes into force, adopt and provide a Great Seal of the said province, and may, from time to time, change such seal.

12. There shall be a Legislature for the said province consisting of the Lieutenant Governor and one house, to be styled the Legislative Assembly of Alberta.

13. Until the said Legislature otherwise provides, the Legislative Assembly shall be composed of twenty-five members to be elected to represent the electoral divisions defined in the schedule to this Act. (NOTE: See 1909, c. 2, as amended by 1913, c. 2, for new electoral districts.)

14. Until the said Legislature otherwise determines, all the provisions of the law with regard to the constitution of the Legislative Assembly of the North-West Territories and the election of members thereof shall apply, *mutatis mutandis*, to the Legislative Assembly of the said province and the elections of members thereof respectively.

15. The writs for the election of the members of the first Legislative Assembly of the said province shall be issued by the Lieutenant Governor and made returnable within six months after this Act comes into force.

16. All laws and all orders and regulations made thereunder, so far as they are not inconsistent with anything contained in this Act, or as to which this Act contains no provision intended as a substitute therefor, and all courts of civil and criminal jurisdiction, and all commissions, powers, authorities and functions and all officers and functionaries, judicial, administrative and ministerial, existing immediately before the coming into force of this Act in the territory hereby established as the Province of Alberta, shall continue in the said province as if this Act and *The Saskatchewan Act* had not been passed; subject nevertheless except with respect to such as are enacted by or existing under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, to be repealed, abolished or altered by the

Parliament of Canada, or by the Legislature of the said province, according to the authority of the Parliament or of the said Legislature: Provided that all powers, authorities and functions which under any law, order or regulation were, before the coming into force of this Act, vested in or exercisable by any public officer or functionary of the North-West Territories shall be vested in and exercisable in and for the said province by like public officers and functionaries of the said province when appointed by competent authority.

2. The Legislature of the province may, for all purposes affecting or extending to the said province, abolish the Supreme Court of the North-West Territories, and the offices both judicial and ministerial thereof, and the jurisdiction, powers and authority belonging or incident to the said court: Provided that, if, upon such abolition, the Legislature constitutes a superior court of criminal jurisdiction, the procedure in criminal matters then obtaining in respect of the Supreme Court of the North-West Territories shall, until otherwise provided by competent authority, continue to apply to such superior court, and that the Governor in Council may at any time and from time to time declare all or any part of such procedure to be inapplicable to such superior court.

3. All societies or associations incorporated by or under the authority of the Legislature of the North-West Territories existing at the time of the coming into force of this Act which include within their objects the regulation of the practice of, or the right to practise, any profession or trade in the North-West Territories, such as the legal or the medical profession, dentistry, pharmaceutical chemistry and the like, shall continue, subject, however, to be dissolved and abolished by order of the Governor in Council, and each of such societies shall have power to arrange for and effect the payment of its debts and liabilities, and the division, disposition or transfer of its property.

4. Every joint stock company lawfully incorporated by or under the authority of any Ordinance of the North-West Territories shall be subject to the legislative authority of the Province of Alberta if—

(a) The head office or the registered office of such company is at the time of the coming into force of this Act situate in the Province of Alberta; and

(b) The powers and objects of such company are such as might be conferred by the Legislature of the said province and not expressly authorized to be executed in any part of the North-West Territories beyond the limits of the said province.

17. Section 93 of *The British North America Act, 1867*, shall apply to the said province, with the substitution for paragraph (1) of the said section 93 of the following paragraph:

“(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to the separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the Ordinances of the North-West Territories, passed in the year 1901, or with respect to religious instruction in any public or separate school as provided for in the said Ordinances.”

2. In the appropriation by the Legislature or distribution by the Government of the province of any moneys for the support of schools organized and carried on in accordance with the said chapter 29, or any Act passed in amendment thereof or in substitution therefor, there shall be no discrimination against schools of any class described in the said chapter 29.

3. Where the expression "by law" is employed in paragraph (3) of the said section 93, it shall be held to mean the law as set out in the said chapters 29 and 30; and where the expression "at the union" is employed, in the said paragraph (3), it shall be held to mean the date at which this Act comes into force.

18. The following amounts shall be allowed as an annual subsidy to the Province of Alberta, and shall be paid by the Government of Canada, by half-yearly instalments in advance, to the said province, that is to say:

(a) For the support of the Government and Legislature, fifty thousand dollars;

(b) On an estimated population of two hundred and fifty thousand, at eighty cents per head, two hundred thousand dollars, subject to be increased as hereinafter mentioned, that is to say: A census of the said province shall be taken in every fifth year reckoning from the general census of one thousand nine hundred and one, and an approximate estimate of the population shall be made at equal intervals of time between each quinquennial and decennial census; and whenever the population by any such census or estimate, exceeds two hundred and fifty thousand, which shall be the minimum on which the said allowance shall be calculated, the amount of the said allowance shall be increased accordingly, and so on until the population has reached eight hundred thousand souls.

19. Inasmuch as the said province is not in debt, it shall be entitled to be paid and to receive from the Government of Canada, by half-yearly payments in advance, an annual sum of four hundred and five thousand three hundred and seventy-five dollars, being the equivalent of interest at the rate of five per cent. per annum on the sum of eight million one hundred and seven thousand five hundred dollars.

20. Inasmuch as the said province will not have the public land as the source of revenue, there shall be paid by Canada to the province by half-yearly payments, in advance, an annual sum based upon the population of the province as from time to time ascertained by the quinquennial census thereof, as follows:

The population of the said province being assumed to be at present two hundred and fifty thousand, the sum payable until such population reaches four hundred thousand, shall be three hundred and seventy thousand dollars;

Thereafter, until such population reaches eight hundred thousand, the sum payable shall be five hundred and sixty-two thousand five hundred dollars;

Thereafter, until such population reaches one million two hundred thousand, the sum payable shall be seven hundred and fifty thousand dollars;

And thereafter the sum payable shall be one million one hundred and twenty-five thousand dollars.

2. As an additional allowance in lieu of public lands, there shall be paid by Canada to the province annually by half-yearly payments in advance, for five years from the time this Act comes into force, to provide for the construction of necessary public buildings, the sum of ninety-three thousand seven hundred and fifty dollars.

21. All Crown lands, mines and minerals and royalties incident thereto, and the interest of the Crown in the waters within the province under *The North-West Irrigation Act, 1898*, shall continue to be vested in the Crown and administered by the Government of Canada for the purposes of Canada, subject to the provisions of any Act of the Parliament of Canada with respect to road allowances and roads or trails in force immediately before the coming into force of this Act, which shall apply to the said province with the substitution therein of the said province for the North-West Territories.

22. All properties and assets of the North-West Territories shall be divided equally between the said province and the Province of Saskatchewan, and the two provinces shall be jointly and equally responsible for all debts and liabilities of the North-West Territories: Provided that, if any difference arises as to the division and adjustment of such properties, assets, debts and liabilities, such difference shall be referred to the arbitrament of three arbitrators, one of whom shall be chosen by the Lieutenant Governor in Council of each province and the third by the Governor in Council. The selection of such arbitrators shall not be made until the legislatures of the provinces have met, and the arbitrator chosen by Canada shall not be resident of either province.

23. Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company as contained in the conditions under which that company surrendered Rupert's Land to the Crown.

24. The powers hereby granted to the said province shall be exercised subject to the provisions of section 16 of the contract set forth in the schedule to chapter 1 of the Statutes of 1881, being *An Act respecting the Canadian Pacific Railway Company*.

25. This Act shall come into force on the first day of September, one thousand nine hundred and five.

SCHEDULE.

(Section 13.)

The province of Alberta shall be divided into twenty-five electoral divisions which shall respectively comprise and consist of the parts and portions of the province hereinafter described.

In the following descriptions where "meridians between ranges" and "boundaries of Townships" or "boundaries of sections" are referred to as the boundaries of electoral divisions, these expressions mean the meridians, boundaries of townships or boundaries of sections, as the case may be, in accordance with the Dominion Lands system of surveys, and include the extension thereof in accordance with the said system.

Names and Descriptions of Divisions.

(1) The electoral division of Medicine Hat, bounded as follows:

Commencing at the intersection of the eastern boundary of the said province of Alberta by the north boundary of the 38th township; thence westerly along the north boundary of the 38th townships to the meridian between the 10th and 11th ranges, west of the 4th meridian; thence southerly along the meridian between the 10th and 11th ranges to the southern boundary of the said province of Alberta; thence easterly along the said southern boundary of the province of Alberta to the south-east corner thereof; thence northerly along the eastern boundary of the said province of Alberta to the point of commencement.

(2) The electoral division of Cardston, bounded as follows;

Commencing at the southern boundary of the said province of Alberta where it is intersected by the meridian between the 10th and 11th ranges, west of the 4th meridian; thence northerly along the said meridian between the 10th and 11th ranges to the north boundary of the 5th township; thence westerly along the north boundary of the 5th township to the St. Mary River; thence along the St. Mary River up stream to the south boundary of the Blood Indian Reserve; thence westerly along the said south boundary of the Blood Indian Reserve to the meridian between the 27th and 28th ranges west of the 4th meridian; thence southerly along the said meridian between the 27th and 28th ranges to the north boundary of the 2nd township; thence westerly along the north boundary of the 2nd townships to the meridian between the 29th and 30th ranges west of the 4th meridian; thence southerly along the said meridian between the 29th and 30th ranges to the southern shore of the Waterton Lakes; thence in a westerly and southerly direction and following the southerly and eastern shores of the said Waterton Lakes to the southern boundary of the said province of Alberta; thence easterly along the said southern boundary of the province of Alberta to the point of commencement.

(3) The electoral division of Lethbridge bounded as follows:

Commencing at the meridian between the 10th and 11th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 5th township; thence northerly along the said meridian between the 10th and 11th ranges to the north boundary of the 14th township; thence westerly along the north boundary of the 14th townships to the Bow River; thence along the Bow River up stream to the north boundary of the 19th township; thence westerly along the north boundary of the 19th townships to the meridian between the 22nd and 23rd ranges, west of the 4th meridian; thence southerly along the said meridian between the 22nd and 23rd ranges to the Belly River; thence along the Belly River down stream to the St. Mary River; thence along the St. Mary River up stream to the northern boundary of the 5th township, thence easterly along the north boundary of the 5th townships to the point of commencement.

(4) The electoral division of Macleod, bounded as follows:

Commencing at the south boundary of the Blood Indian Reserve where it is intersected by the St. Mary River; thence along the said St. Mary River down stream to the Belly River; thence along the said Belly River up stream to its most northerly intersection with the meridian between the 22nd and 23rd ranges, west of the 4th meridian; thence northerly along the said meridian between the 22nd and 23rd ranges to the north boundary of the 14th township; thence westerly along the north boundary of the 14th townships to the western boundary of the province of Alberta; thence in a southerly direction and along the said western boundary of the province of Alberta to the north boundary of the 11th township; thence easterly along the said north boundary of the 11th township to the 5th meridian; thence southerly along the said 5th meridian to the north boundary of the 10th township; thence easterly along the said north boundary of the 10th township to the meridian between the 29th and 30th ranges, west of the 4th meridian; thence southerly along the said meridian between the 29th and 30th ranges to the north boundary of the 8th township; thence easterly along the said north boundary of the 8th township to the west boundary of the Peigan Indian Reserve; thence southerly

along the west boundary of the Peigan Indian Reserve to the south-west corner of the said Peigan Indian Reserve; thence easterly along the south boundary of the said Peigan Indian Reserve to the south-east corner of the said Reserve; thence in a straight line south-easterly to the north-east corner of section 14 in the 6th township in the 27th range, west of the 4th meridian; thence along the north boundary of section 13 in the said 6th township and in the 27th range to the meridian between the 26th and 27th ranges west of the 4th meridian; thence southerly along the said meridian between the 26th and 27th ranges to the Belly River; thence along the Belly River up stream to the south boundary of the said Blood Indian Reserve; thence easterly along the said south boundary of the Blood Indian Reserve to the point of commencement.

(5) The electoral division of Pincher Creek, bounded as follows:

Commencing at the southern boundary of the said Province of Alberta, where it is intersected by the eastern shore of the Waterton Lakes, thence northerly and easterly and along the said eastern shores and the southern shores of the Waterton Lakes to the meridian between the 29th and 30th ranges west of the 4th meridian; thence northerly along the said meridian between the 29th and 30th ranges to the north boundary of the 2nd township; thence easterly along the said north boundary of the 2nd townships to the meridian between the 27th and 28th ranges west of the 4th meridian; thence northerly along the said meridian between the 27th and 28th ranges to the south boundary of the Blood Indian Reserve; thence westerly along the said south boundary of the Blood Indian Reserve to the Belly River; thence along the said Belly River down stream to the meridian between the 26th and 27th ranges west of the 4th meridian; thence northerly along the said meridian between the 26th and 27th ranges to the north-east corner of section 13 in the 6th township in the said 27th range; thence westerly along the north boundary of the said section 13 to the north-east corner of section 14 in the said 6th township in the 27th range; thence in a straight line north-westerly to the south-east corner of the Peigan Indian Reserve; thence westerly along the south boundary of the said Peigan Indian Reserve to the south-west corner of the said Indian Reserve; thence northerly along the west boundary of the said Indian Reserve to the north boundary of the 8th township; thence westerly along the said north boundary of the 8th townships to the meridian between the 29th and 30th ranges west of the 4th meridian; thence northerly along the said meridian between the 29th and 30th ranges to the north boundary of the 10th township; thence westerly along the said north boundary of the 10th township to the 5th meridian; thence northerly along the said 5th meridian to the north boundary of the 11th township; thence westerly along the said north boundary of the 11th townships to the western boundary of the said Province of Alberta; thence in a southerly direction and along the said western boundary of the Province of Alberta to the southern boundary of the said Province of Alberta; thence easterly along the said southern boundary of the Province of Alberta to the point of commencement.

(6) The electoral division of Gleichen, bounded as follows:

Commencing at the meridian between the 10th and 11th ranges, west of the 4th meridian, where it is intersected by the northern boundary of the 14th township; thence northerly along the said meridian between the 10th and 11th ranges to the north boundary of the 28th township; thence westerly along the said north boundary of the 28th townships to the meridian between the 2nd and 3rd ranges, west of the 5th meridian; thence southerly along the said meridian between the 2nd and 3rd ranges, to the north boundary of the 22nd township; thence easterly along the said north boundary of the 22nd townships to Bow River; thence along the said Bow River down stream to the north boundary of the 14th township; thence easterly along the said north boundary of the 14th townships to the point of commencement. Excepting and reserving out of the said electoral division the City of Calgary, as incorporated by Ordinance of the North-West Territories.

(7) The electoral division of Calgary City, comprising the City of Calgary as incorporated by Ordinance of the North-West Territories.

(8) The electoral division of Rosebud, bounded as follows:

Commencing at the meridian between the 10th and 11th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 28th township; thence northerly along the said meridian between the 10th and 11th ranges to the north boundary of the 33rd township; thence westerly along the said north boundary of the 33rd townships to the western boundary of the Province of Alberta; thence in a southerly direction and along the

said western boundary of the Province of Alberta to the north boundary of the 28th township; thence easterly along the said north boundary of the 28th townships to the point of commencement.

(9) The electoral division of High River, bounded as follows:

Commencing at the meridian between the 22nd and 23rd ranges, west of the 4th meridian, where it is intersected by the north boundary of the 14th township; thence northerly along the said meridian between the 22nd and 23rd ranges to the north boundary of the 19th township; thence easterly along the said north boundary of the 19th townships to the Bow River; thence along the said Bow River up stream to the north boundary of the 22nd township; thence westerly along the said north boundary of the 22nd townships to the western boundary of the Province of Alberta; thence in a southerly direction and along the said western boundary of the Province of Alberta to the north boundary of the 14th township; thence easterly along the said north boundary of the 14th townships to the point of commencement.

(10) The electoral division of Banff, bounded as follows:

Commencing at the meridian between the 2nd and 3rd ranges, west of the 5th meridian, where it is intersected by the north boundary of the 22nd township; thence northerly along the said meridian between the 2nd and 3rd ranges to the north boundary of the 28th township; thence westerly along the said north boundary of the 28th townships to the western boundary of the province of Alberta; thence in a southerly direction and along the said western boundary of the Province of Alberta to the north boundary of the 22nd township; thence easterly along the said north boundary of the 22nd townships to the point of commencement.

(11) The electoral division of Innisfail, bounded as follows:

Commencing at the meridian between the 10th and 11th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 33rd township; thence northerly along the said meridian between the 10th and 11th ranges to the north boundary of section twenty-four in the 36th township; thence westerly along the section line which bounds on the north the section comprising the most southerly two-thirds of the 36th townships to the Red Deer River, in the 28th range, west of the 4th meridian; thence along the said Red Deer River down stream to the north boundary of section twenty-two, in the 37th township; thence westerly along the section line which bounds on the north the sections comprising the most southerly two-thirds of the 37th townships to the western boundary of the Province of Alberta; thence in a southerly direction and along the said western boundary of the Province of Alberta to the north boundary of the 33rd township; thence easterly along the north boundary of the 33rd townships to the point of commencement.

(12) The electoral division of Red Deer, bounded as follows:

Commencing at the meridian between the 10th and 11th ranges, west of the 4th meridian, where it is intersected by the north boundary of section 24, in the 36th township; thence northerly along the said meridian between the 10th and 11th ranges to the said north boundary of the 38th township; thence westerly along the said north boundary of the 38th townships to where the said north boundary of the 38th townships is intersected by the Red Deer River in the 26th range, west of the 4th meridian; thence along the said Red Deer River up stream to the Blindman River; thence along the said Blindman River up stream to the north boundary of the 39th township; thence westerly along the said north boundary of the 39th townships to the North Saskatchewan River; thence along the North Saskatchewan River up stream to the section line which bounds on the north the sections comprising the most southerly two-thirds of the 37th townships; thence easterly along the said section line which bounds on the north the sections comprising the most southerly two-thirds of the 37th townships to the Red Deer River; thence along the Red Deer River up stream to the north boundary of section twenty, in the 36th township; thence easterly along the section line which bounds on the north the sections comprising the most southerly two-thirds of the said 36th townships to the point of commencement.

(13) The electoral division of Vermilion, bounded as follows:

Commencing at the eastern boundary of the Province of Alberta where it is intersected by the north boundary of the 38th township; thence northerly along the said eastern boundary of the Province of Alberta to the North Saskatchewan River; thence along the North Saskatchewan River up stream to the meridian between the 10th and 11th ranges, west of the 4th meridian; thence southerly along the said meridian between the 10th and 11th ranges to the north boundary of the 54th township; thence westerly along the said

north boundary of the 54th townships to the meridian between the 19th and 20th ranges, west of the 4th meridian; thence southerly along the said meridian between the 19th and 20th ranges to the north boundary of section twenty-four, in the 47th township; thence easterly along the section line which bounds on the north the sections comprising the most southerly two-thirds of the 47th townships to the meridian between the 10th and 11th ranges, west of the 4th meridian; thence southerly along the said meridian between the 10th and 11th ranges to the north boundary of the 38th township; thence easterly along the said north boundary of the 38th townships to the point of commencement.

(14) The electoral division of Lacombe, bounded as follows:

Commencing at the meridian between the 10th and 11th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 38th township; thence northerly along the said meridian between the 10th and 11th ranges to the north boundary of the 41st township; thence westerly along the said north boundary of the 41st townships to the North Saskatchewan River; thence along the said North Saskatchewan River up stream to the north boundary of the 39th township; thence easterly along the said north boundary of the 39th townships to the Blindman River; thence along the said Blindman River down stream to the Red Deer river; thence along the said Red Deer River down stream to the north boundary of the 38th township; thence easterly along the said north boundary of the 38th townships to the point of commencement.

(15) The electoral division of Ponoka, bounded as follows:

Commencing at the meridian between the 10th and 11th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 41st township; thence northerly along the said meridian between the 10th and 11th ranges to the north boundary of the 44th township; thence westerly along the north boundary of the 44th townships to the North Saskatchewan River; thence along the said North Saskatchewan River up stream to the north boundary of the 41st township; thence easterly along the said north boundary of the 41st townships to the point of commencement.

(16) The electoral division of Wetaskiwin, bounded as follows:

Commencing at the meridian between the 10th and 11th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 44th township; thence northerly along the said meridian between the 10th and 11th ranges to the section line which bounds on the north the sections comprising the most southerly two-thirds of the 47th township; thence westerly along the said section line which bounds on the north the sections comprising the most southerly two-thirds of the 47th townships to the North Saskatchewan River; thence along the said North Saskatchewan River up stream to the north boundary of the 44th township; thence easterly along the said north boundary of the 44th townships to the point of commencement.

(17) The electoral division of Leduc, bounded as follows:

Commencing at the meridian between the 19th and 20th ranges, west of the 4th meridian, where it is intersected by the section line which bounds on the north the sections comprising the most southerly two-thirds of the 47th townships; thence northerly along the said meridian between the 19th and 20th ranges to the north boundary of the 50th township; thence westerly along the said north boundary of the 50th townships to where the said north boundary of the 50th townships first intersects the North Saskatchewan River; thence along the North Saskatchewan River up stream to the section line which bounds on the north the sections comprising the most southerly two-thirds of the 47th township; thence easterly along the said section line which bounds on the north the sections comprising the most southerly two-thirds of the 47th townships to the point of commencement.

(18) The electoral division of Strathcona, bounded as follows:

Commencing at the meridian between the 19th and 20th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 50th township; thence northerly along the said meridian between the 19th and 20th ranges to the north boundary of the 53rd township; thence westerly along the said north boundary of the 53rd townships to the North Saskatchewan River; thence along the said North Saskatchewan River up stream to the north boundary of the 50th township; thence easterly along the said north boundary of the 50th townships to the point of commencement.

(19) The electoral division of Stony Plain, bounded as follows:

Commencing at the meridian between the 24th and 25th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 53rd township; thence westerly along the said north boundary of the 53rd township

to the rear line of lots fronting on the east side of the Sturgeon River in the Saint Albert Settlement; thence in a southerly and westerly direction and along the said rear line to Big Lake; thence in a westerly direction and along the southerly, westerly and northerly shores of Big Lake to the south-west corner of lot D in the Saint Albert Settlement; thence westerly and along the southerly limit of lots E, F, G, H and I in the said Saint Albert Settlement to the south-east corner of the Indian Reserve Chief Michel Calahoo; thence westerly along the south boundary of the said Indian Reserve to the south-west corner thereof; thence northerly along the west boundary of the said Indian Reserve to the north boundary of the 54th township; thence westerly along the said north boundary of the 54th townships to the 5th meridian; thence northerly along the said 5th meridian to the south boundary of the Indian Reserve Chief Alexander; thence westerly along the south boundary of the Indian Reserve Chief Alexander to the south-west corner of the said Reserve; thence northerly along the west boundary of the said Reserve Chief Alexander to the north boundary of the 55th township; thence westerly along the north boundary of the 55th townships to the western boundary of the Province of Alberta; thence in a southerly direction and along the said western boundary of the Province of Alberta to the section line which forms the north boundary of the sections comprising the most southerly two-thirds of the 37th township; thence easterly along the said section line which forms the north boundary of the sections comprising the most southerly two-thirds of the 37th townships to the North Saskatchewan River; thence along the said North Saskatchewan River down stream to its most northerly intersection with the meridian between the 24th and 25th ranges west of the 4th meridian; thence northerly along the said meridian between the 24th and 25th ranges to the point of commencement.

(20) The electoral division of Edmonton City, comprising the City of Edmonton as incorporated by Ordinance of the North-West Territories.

(21) The electoral division of Victoria, bounded as follows:

Commencing at the 4th meridian where it is intersected by the North Saskatchewan River; thence northerly along the said 4th meridian to the north boundary of the 70th township; thence westerly along the said north boundary of the 70th townships to the meridian between the 10th and 11th ranges west of the 4th meridian; thence southerly along the said meridian between the 10th and 11th ranges to the north boundary of the 58th township; thence westerly along the said north boundary of the 58th townships to the North Saskatchewan River; thence along the said North Saskatchewan River up stream to the north boundary of the 53rd township; thence easterly along the said north boundary of the 53rd township to the meridian between the 19th and 20th ranges, west of the 4th meridian; thence northerly along the said meridian between the 19th and 20th ranges to the north boundary of the 54th township; thence easterly along the said north boundary of the 54th townships to the meridian between the 10th and 11th ranges, west of the 4th meridian; thence northerly along the said meridian between the 10th and 11th ranges to the North Saskatchewan River; thence along the said North Saskatchewan River down stream to the point of commencement.

(22) The electoral division of Sturgeon, bounded as follows:

Commencing at the meridian between the 10th and 11th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 58th township; thence northerly along the said meridian between the 10th and 11th ranges to the north boundary of the 70th township; thence westerly along the said north boundary of the 70th townships to the meridian between the 24th and 25th ranges, west of the 4th meridian; thence southerly along the said meridian between the 24th and 25th ranges to the North Saskatchewan River; thence along the said North Saskatchewan River down stream to the north boundary of the 58th township; thence easterly along the said north boundary of the 58th townships to the point of commencement. Excepting and reserving out of the said electoral division the City of Edmonton as incorporated by Ordinance of the North-West Territories.

(23) The electoral division of Saint Albert, bounded as follows:

Commencing at the meridian between the 24th and 25th ranges, west of the 4th meridian, where it is intersected by the north boundary of the 53rd township; thence northerly along the said meridian between the 24th and 25th ranges west of the 4th meridian to the north boundary of the 70th township; thence westerly along the said north boundary of the 70th townships to the western boundary of the Province of Alberta; thence in a southerly direction and along the said western boundary of the Province of Alberta to the north boundary of the 55th township; thence easterly along the said north boundary

of the 55th township to the Indian Reserve Chief Alexander; thence southerly along the western boundary of the said Indian Reserve Chief Alexander to the south-west corner of the said reserve; thence easterly along the south boundary of the said Indian Reserve Chief Alexander to the 5th meridian; thence southerly along the said 5th meridian to the north boundary of the 54th township; thence easterly along the said north boundary of the 54th township to the west boundary of the Indian Reserve Chief Michel Calahoo; thence southerly along the west boundary of the said Indian Reserve Chief Michel Calahoo to the south-west corner thereof; thence easterly along the south boundary of the said Indian Reserve Chief Michel Calahoo to the south-east corner thereof; thence in an easterly direction and along the southern limit of lots I, H, G, F, and E, in the Saint Albert Settlement to the south-west corner of lot D in the said Settlement; thence along the westerly and southerly shores of Big Lake in a westerly, southerly and easterly direction to the rear line of lot 55 in the said Saint Albert Settlement; thence in an easterly direction and along the rear line of lots fronting on the east side of the Sturgeon River in the said Saint Albert Settlement to the north boundary of the 53rd township; thence easterly along the north boundary of the 53rd township to the point of commencement.

(24) The electoral division of Peace River, bounded as follows:

Commencing at the meridian between the 19th and 20th ranges, west of the 5th meridian, where it is intersected by the north boundary of the 70th township; thence northerly along the said meridian between the 19th and 20th ranges to the north boundary of the 80th township; thence easterly along the said north boundary of the 80th townships to the meridian between the 13th and 14th ranges, west of the 5th meridian; thence northerly along the said meridian between the 13th and 14th ranges to the north boundary of the 92nd township; thence easterly along the said north boundary of the 92nd townships to the meridian between the 20th and 21st ranges, west of the 4th meridian; thence northerly along the said meridian between the 20th and 21st ranges to the northern boundary of the Province of Alberta; thence westerly along the said northern boundary of the Province of Alberta to the north-west corner of the said province; thence in a southerly direction and along the western boundary of the said Province of Alberta to the north boundary of the 70th township; thence easterly along the said north boundary of the 70th townships to the point of commencement.

(25) The electoral division of Athabasca, bounded as follows:

Commencing at the eastern boundary of the Province of Alberta where it is intersected by the north boundary of the 70th township; thence northerly along the said eastern boundary of the Province of Alberta to the northern boundary of the said province; thence westerly along the said northern boundary of the Province of Alberta to the meridian between the 20th and 21st ranges, west of the 4th meridian; thence southerly along the said meridian between the 20th and 21st ranges to the north boundary of the 92nd township; thence westerly along the said north boundary of the 92nd townships to the meridian between the 13th and 14th ranges, west of the 5th meridian; thence southerly along the said meridian between the 13th and 14th ranges, west of the 5th meridian to the north boundary of the 80th township; thence westerly along the said north boundary of the 80th townships to the meridian between the 19th and 20th ranges, west of the 5th meridian; thence southerly along the said meridian between the 19th and 20th ranges to the north boundary of the 70th township; thence easterly along the said north boundary of the 70th townships to the point of commencement.

ADDENDA

(Correct to 30th October, 1915.)

The Land Titles Act, 1906—Tariff of Fees amended as follows:

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(a) By striking out the words "but not including mechanics' liens" where they occur therein and by substituting therefor the words "but not including mechanics' liens or instruments under *The Mechanics' Lien Act* by or on behalf of a labourer within the meaning of the said Act".

(See Alberta Gazette, vol. 11, p. 263.)

(b) By adding thereto the following fee:

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"Filing notice of exercising powers of sale in mortgage and instructions as to service, \$2.00."

(See Alberta Gazette, vol. 11, p. 318.)

(c) By inserting the following after item 41 of said tariff:

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| "42. Filing, etc., notice of default or notice under section 62a, subsection 12..... | \$2.00 |
| "43. Filing withdrawal of notice of default..... | 1.00 |
| "44. Order for substitutional service or other order..... | 2.00 |
| "45. Instructions as to modes of sale and advertising..... | 3.00 |
| "46. Every other application to the registrar relating to sale or foreclosure proceedings..... | 1.00 |
| "47. Application to register transfer from mortgagee..... | 2.00 |
| "48. Registration of transfer from mortgagee (the ordinary fees for registering a transfer including assurance fund fee and increment tax). | |
| "49. Application for foreclosure..... | 5.00 |
| "50. Order for foreclosure including certificate of title, the ordinary fees for registering a transfer including assurance fund fees and increment tax. | |
| "51. If he deems it expedient the registrar may cause the lands to be valued by a competent valuator and allow him therefor ten cents a mile to and from the premises, and \$5.00 a day for the time actually and necessarily spent in so doing. | |
| "52. When the amount involved in any proceeding under section 62a is: (a) Over \$2,500 and does not exceed \$5,000 the fees shall be one and one-half times the amounts set out in items 42 and 51 inclusive; (b) When it is over \$5,000 the fees shall be double the said amounts. | |
| "53. For services not herein specified, there shall be enacted the fees required to be paid for similar services." | |

(See Alberta Gazette, vol. 11, p. 676.)

(d) By adding the following at the end of the said Tariff of Fees:

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"TARIFF OF SOLICITORS' COSTS.

"Under the authority of section 151 of *The Land Titles Act* the Supreme Court of Alberta *en banc*, sitting as the Court of Appeal under the said Act, orders that the tariff of costs payable to solicitors authorized to practise in Alberta for the services and proceedings hereinafter mentioned shall be as follows:

"1. For all proceedings before a Judge or the Court of Appeal the same fees as would be allowed by the tariff of costs of the Supreme Court for similar services.

"2. For all proceedings on sale or foreclosure of mortgages under the said Act:

- | | |
|--|---------|
| "(a) Drawing, serving and registering Notice of Sale and Foreclosure under section 62a, inclusive of all instructions and attendances..... | \$10.00 |
| "(b) Advertising sale and all services connected therewith, including all attendances, revising proof, etc..... | 15.00 |

- "(c) On sale of mortgaged premises under Power of Sale, including all instructions, attendances at sale and all other attendances and services up to completion of sale, or abortive sale. \$20.00
- "(d) Application for confirmation of sale or for foreclosure after abortive sale including declarations, attendances and all other services including drawing transfer or order and all necessary documents. 25.00
- "(e) Actual and necessary disbursements when verified by statutory declaration, including auctioneer's fee, which should not in any case be more than \$20.00 for each sale or \$10.00 for an abortive sale unless under exceptional circumstances, and ten cents a mile necessarily travelled to and from place of sale in the discretion of the registrar.
- "The above fees are prescribed for sale and foreclosure of securities where the amount secured is \$1,000.00 to \$2,500.00.
- "When the amount secured is—
- "(a) Less than \$1,000, three-fifths of above scale;
- "(b) Over \$2,500 and up to \$5,000, one and one-half of above scale;
- "(c) Over \$5,000, double above scale shall be allowed.
- "Dated at Calgary, 25th June, 1915."
- (See Alberta Gazette, vol. 11, p. 497.)

Page 402 *The Game Act, 1907*—Section 5, subsection 6: By adding thereto the following:

"A close season for Hungarian partridge be and is hereby declared until the end of 1915, in townships 24 and 25, range 25, west of the 4th meridian."

Page 1481 *The Succession Duties Act, 1914*, chapter 5: By adding thereto the following:

"TARIFF OF FEES UNDER THE SUCCESSION DUTIES ACT.

"Edmonton, Tuesday, September 28, 1915.

"Pursuant to the provisions of section 51 of *The Succession Duties Act*, His Honour the Lieutenant Governor, by and with the advice of the Executive Council, has been pleased to order that the following fees for departmental services be and are hereby approved:

"Search of departmental files.	\$.25
"Copies of extracts from documents filed with or issued by the department, per folio of 500 words or less.	1.00
"Each additional 500 words or any part thereof.	1.00
"Certificate of Deputy Provincial Treasurer to such copy.	1.00
"Examination of supplementary affidavit covering property omitted from the original affidavit, or amendment in description of property in the original affidavit.	1.00
"Second or any further duplicate receipt for payment of succession duties. . . . .	.25"

(See Alberta Gazette, vol. 11, p. 716.)

1906

CHAPTER 1.

An Act for Granting to His Majesty Certain Sums of Money required for Defraying Certain Expenses of Civil Government from the First day of September, 1905, to the Thirty-first day of December, 1905, and for other purposes.

(Assented to May 9, 1906.)

Most Gracious Sovereign:

WHEREAS it appears by Message from His Honour George Hedley Vicars Bulyea, the Lieutenant Governor of the Province of Alberta, and the Estimates accompanying the same, that the sums hereinafter mentioned in the schedule to this Act are required to defray certain expenses of the Government and Public Service of the province not otherwise provided for from the First day of September, 1905, to the Thirty-first day of December, 1905, and for other purposes relating thereto: May it therefore please Your Majesty that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the province, as follows:

1. From and out of the general revenue fund there shall and may be paid and applied a sum not exceeding in the whole one hundred and sixty-two thousand seven hundred and twenty-two dollars and ninety-three cents (\$162,722.93) to defray the expenses of Legislation, Maintenance of Public Institutions, salaries of the officers of the Government and Public Service, and for all other services of the Government coming in course of payment from the First day of September to the Thirty-first day of December one thousand nine hundred and five, as set forth in schedule A to this Act. Provincial appropriation for 1905

2. The due application of all moneys expended under this Act shall be accounted for. Accounts

SCHEDULE A.

Sum granted to the Lieutenant Governor by this Act for the year one thousand nine hundred and five and the purposes for which it is granted: To defray the expenses of legislation, maintenance of public institutions, salaries of the officials of the Government and public service, and for all other services of the Government coming in course of payment from the First of September to the Thirty-first of December, 1905. \$162,722.93

1906

CHAPTER 2.

An Act for Granting to His Majesty Certain Sums of Money for the Civil Service for the Financial Year ending the Thirty-first day of December, 1906.

(Assented to May 9, 1906.)

Most Gracious Sovereign:

Preamble

WHEREAS it appears by Message from His Honour George Hedley Vicars Bulvea, the Lieutenant Governor of the Province of Alberta, and the Estimates accompanying the said Message, that the sums hereinafter mentioned are required to defray certain expenses of the Civil Service of this province not otherwise provided for during the financial year ending the Thirty-first day of December, one thousand nine hundred and six, and for other purposes relating thereto: May it therefore please Your Majesty that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, as follows:

Short title

1. This Act may be cited as "*The Appropriation Act, 1906.*"

\$1,968,081.67
granted for
year 1906

2. From and out of the General Revenue Fund there may be paid and applied a sum not exceeding in the whole one million nine hundred and sixty-eight thousand eighty-one dollars and sixty-seven cents (\$1,968,081.67) towards defraying the several charges and expenses of the Civil Service of the province for the financial year ending the thirty-first day of December, in the year of Our Lord one thousand nine hundred and six, not otherwise provided for and set forth in schedule A to this Act, and also for the other purposes in the said schedule mentioned.

And the sum of one hundred thousand dollars for the expenses of Legislation, Maintenance of Public Institutions, salaries of officers of the Government and Civil Service from the First day of January, one thousand nine hundred and seven, up to and until the final passage of the Estimates of Expenditure for the financial year one thousand nine hundred and seven, as set forth in schedule B.

Application
to be
accounted
for

3. The due application of all moneys expended under this Act shall be accounted for.

SCHEDULE A.

I.

CIVIL GOVERNMENT—

Lieutenant Governor's Office.....	\$ 2,700 00
Executive Council.....	28,125 00
Attorney General's Department.....	14,725 00
Provincial Secretary's Department.....	2,600 00
Treasury Department.....	8,680 00
Provincial Auditor's Office.....	7,230 00
Public Works Department.....	34,600 00
Education Department.....	10,680 00
Agriculture Department.....	18,466 67
	<hr/>
	\$127,806 67

II.

LEGISLATION.....	29,425.00
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III.

ADMINISTRATION OF JUSTICE.....	221,200.00
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IV.

PUBLIC WORKS.....	996,000.00
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V.

EDUCATION.....	200,000.00
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VI.

AGRICULTURE.....	315,050.00
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VII.

HOSPITALS, CHARITIES AND PUBLIC HEALTH.....	33,500.00
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VIII.

MISCELLANEOUS.....	45,100.00
	<hr/>
	\$1,968,081.67

SCHEDULE B.

Sum granted to His Majesty by the Act for the year one thousand nine hundred and seven and the purpose for which it is granted.

To defray the expenses of Legislation, Maintenance of Public Institutions, Salaries of the officers of the Government and Civil Service from January 1, 1907, up to and until the final passage of the Estimates of Expenditure for the financial year, 1907.....\$100,000.00

1906

CHAPTER 3.

An Act respecting the Statutes.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

Short title 1. This Act may be cited as "*The Interpretation Act.*"

Application
of this Act 2. This Act and every provision thereof shall extend and apply to every Act of the province passed in the session held in the sixth year of His Majesty's reign and in any future session of the Legislature of Alberta except in so far as the provision is inconsistent with the intent and object of such Act, or the interpretation which such provision would give to any word, expression or clause is inconsistent with the context and except in so far as any provision hereof is in any such Act declared not applicable thereto; and the omission in any Act of a declaration that *The Interpretation Act* applies thereto shall not be construed to prevent it so applying, although such express declaration is inserted in some other Act or Acts of the same session.

FORM OF ENACTING.

Form of
enacting
clause 3. The following words may be inserted in the preambles of Acts and shall indicate the authority by virtue of which they are passed: "His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:"

Preamble and
operative part
of Acts 4. After the insertion of the words aforesaid, which shall follow the setting forth, if any, of the considerations or reasons upon which the law is grounded and which shall with these considerations or reasons constitute the entire preamble, the various clauses of the Act shall follow in a concise and enunciative form.

TIME OF COMMENCEMENT OF ACTS.

Endorsement
of assent 5. The clerk of the Legislative Assembly shall endorse on every Act of the province immediately after the title of such Act, the day, month and year when the same was by the Lieutenant Governor assented to or reserved by him for the assent of the Governor General; and in the latter case such clerk shall endorse thereon the day, month and year when the Lieutenant Governor has signified either by speech or message to the Legislative Assembly or by proclamation, that the same was laid

before the Governor General and that the Governor General was pleased to assent to the same; and such endorsement will be taken to be a part of such Act; and the date of such Act or signification, as the case may be, shall be the date of the commencement of the Act if no later commencement is therein provided.

AMENDMENT OR REPEAL.

6. Any Act of the province may be amended, altered or repealed by any Act passed in the same session. Amendment of law in same session

INTERPRETATION.

7. In every Act unless the context otherwise requires— Interpretation

1. The law shall be considered as always speaking; and whenever any matter or thing is expressed in the present tense the same shall be applied to the circumstances as they arise so that effect may be given to each Act and every part thereof according to its spirit, true intent, and meaning;

2. The expression "shall" shall be construed as imperative and the expression "may" as permissive; Shall
May

3. Whenever the expression "herein" is used in any section of an Act it shall be understood to relate to the whole Act and not to that section only; Herein

4. The expression "His Majesty," "the King" or "the Crown," means His Majesty, his Heirs and Successors, Sovereigns of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas; The Sovereign

5. The expression "Lieutenant Governor" means the Lieutenant Governor for the time being or other chief executive officer or administrator for the time being carrying on the government of the province, by whatever title he is designated; Lieutenant Governor

6. The expression "Lieutenant Governor in Council" means the Lieutenant Governor or person administering the government of the province for the time being, acting by and with the advice of or by and with the advice and consent of or in conjunction with the Executive Council of the said province; Lieutenant Governor in Council

7. The expression "Government," "Government of the Province" or "Alberta Government" used in any Act whenever enacted means His Majesty the King acting for the province; Government

8. The expression "the United Kingdom" means the United Kingdom of Great Britain and Ireland; United Kingdom

9. The expression "the United States" means the United States of America; United States

10. The expression "Territories" means the North-West Territories as defined by *The North-West Territories Act* excepting that portion of the said Territories declared by *The Yukon Territory Act* to constitute the Yukon Territory; and the expression "Ordinance" means an Ordinance of the said North-West Territories; Territories
Ordinance

Provided that where in any law, statute or ordinance in force in the province the expression "Territories" or "North-West Territories" is used and by reason of the formation of the Provinces of Alberta and Saskatchewan it would be necessary in order to effect the purpose of such law, statute or ordinance within the province to construe the said words "Territories"

or "North-West Territories" in such law, statute or ordinance to mean and to refer to the Province of Alberta, the said words shall be so construed and shall mean and since the first day of September, 1905, shall be taken to have meant the Province of Alberta; 1907, c. 5, s. 1.

Name of
country, place,
officer, etc.

11. The name commonly applied to any country, place, body, corporation, society, officer, functionary, person, party or thing means such country, place, body, corporation, society, officer, functionary, person, party or thing, although such name is not the formal and extended designation thereof;

Proclamation

12. The expression "proclamation" means a proclamation under the seal of the province;

Acts by
proclamation

13. When the Lieutenant Governor is authorized to do any act by proclamation such proclamation is to be understood to be a proclamation issued under an order of the Lieutenant Governor in Council but it shall not be necessary that it be mentioned in the proclamation that it is issued under such order;

Number and
gender

14. Words importing the singular number of the masculine gender only include more persons, parties or things of the same kind than one and females as well as males and the converse;

Person

15. The expression "person" includes any body corporate and politic or party and the heirs, executors, administrators or other legal representatives of such person to whom the context can apply according to law;

Writing

16. The expression "writing," "written" or any terms of like import includes words printed, painted, engraved, lithographed or otherwise traced or copied;

Now

17. The expression "now" or "next" shall be construed as having reference to the time when the Act was assented to;

Next

Month

18. The expression "month" means a calendar month; and the expression "year" means a calendar year; and the number of any year, unless the contrary is indicated, means "the year of our Lord" without the mention of "the year of our Lord;"

Year

Holiday

19. The expression "holiday" includes Sunday, New Year's Day, Ash Wednesday, Good Friday, Easter Monday, the twenty-fourth day of May or when such day falls on a Sunday the twenty-fifth day of May to be known as Victoria Day, Christmas Day, the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning Sovereign, Dominion Day, Labour Day, Arbour Day being the second Friday in May or in lieu thereof such other day as may in each year be proclaimed a public holiday for the planting of forest and other trees, and any other day appointed by proclamation for a general feast or thanksgiving; 1910 (2nd Session), c. 2, s. 11.

Gazette

20. The term "gazette" or "official gazette" whenever enacted means *The Alberta Gazette* published by the King's Printer under the authority of the Lieutenant Governor in Council;

Time expiring
on holiday

21. If the time limited by any Act for any proceeding or the doing of anything under its provisions expires or falls upon a holiday, the time so limited shall be extended to and such thing may be done on the day next following which is not a holiday;

Standard time

22. The time known as "mountain standard time," being the local time at the one hundred and fifth meridian of longitude, is hereby declared to be the standard time of the province; and when any Act refers to any particular time of day such standard time shall be considered to be meant;

23. The expression "felony" shall mean any crime which ^{Felony} before the passing of *The Criminal Code* 1892 would have been a felony under the law of Canada; and "misdemeanour" shall mean any crime or offence which before the passing of the said Code would have been a misdemeanour under the said law;

24. The expression "oath" includes a solemn affirmation ^{Oath} or declaration whenever the context applies to any person and case by whom and in which a solemn affirmation or declaration may be made instead of an oath; and in like cases the expression "sworn" includes the expression "affirmed" or "declared;" ^{Sworn}

25. Whenever by any Act or by any order, regulation or com- ^{Officers to} mission made or issued by the Lieutenant Governor or Lieu- ^{take oaths} tenant Governor in Council under any law authorizing him to require the taking of evidence under oath, an oath is authorized or directed to be made, taken or administered, such oath may be administered and a certificate of its having been made, taken or administered may be given by anyone named in any such Act, order, regulation or commission, or by a judge of any court, a notary public, a justice of the peace or a commissioner for taking affidavits having authority or jurisdiction within the place where the oath is administered;

25a. Without in any way limiting or restricting the manner in which an oath may be administered, the same may be taken or sworn on any one of the four Gospels; 1913 (1st Session), c. 9, s. 11 (3).

26. The expression "sureties" means sufficient sureties and ^{Sureties} the expression "security" means sufficient security; and when- ^{Securities} ever these words are used one person shall be sufficient therefor unless otherwise expressly required;

27. The expression "magistrate" means justice of the peace; ^{Magistrate}

28. The expression "justice" means a justice of the peace ^{Justice} and includes two or more justices if two or more justices act or have jurisdiction and also any person having the power or authority of two or more justices of the peace;

29. If anything is directed to be done by or before a magis- ^{Official} trate or a justice of the peace or other public functionary or ^{jurisdiction} officer, it shall be done by or before one whose jurisdiction or powers extend to the place where such thing is to be done;

30. Whenever power is given to any person, officer or func- ^{Implied} tionary to do or to enforce the doing of any act or thing, all such ^{powers} powers shall be understood to be also given as are necessary to enable such person, officer or functionary to do or enforce the doing of such act or thing;

31. If in any Act any person is directed to be imprisoned or ^{Imprisonment} committed to prison, such imprisonment or committal shall, if no other place is mentioned or provided by law, be in or to the common gaol of the locality in which the order for such imprisonment is made or, if there is no common gaol there, then in or to that common gaol which is nearest to such locality; and the keeper of any such common gaol shall receive such person and safely keep and detain him in such common gaol under his custody until discharged in due course of law or bailed in cases in which bail may by law be taken;

(2) Any place which is declared to be a prison farm by a by-law of the municipality under whose control or management it is may be constituted a common gaol by a proclamation of the Lieutenant Governor in Council; 1914, c. 2, s. 5.

Public
expenditure

32. If any sum of the public money be by any act appropriated for any purpose or directed to be paid by the Lieutenant Governor, the Lieutenant Governor in Council or the Alberta Government, then, if no other provision be made respecting it, such sum shall be paid under warrant of the Lieutenant Governor directed to the Treasurer of the province out of the general revenue fund of the province; and all persons entrusted with the expenditure of any such sum or any part thereof shall account for the same in such manner and form with such vouchers at such periods and to such officers as the Lieutenant Governor may direct;

Appointment,
removal, etc.,
of officials

33. Words authorizing the appointment of any public officer or functionary or any deputy include the power of removing or suspending him, re-appointing or re-instating him or appointing another in his stead in the discretion of the authority in whom the power of appointment is vested;

Successors
and deputies
of officials

34. Words directing or empowering any public officer or functionary to do any act or thing or otherwise applying to him by his name of office include his successors in such office and his or their lawful deputy;

Minister
of Crown

35. Words directing or empowering a minister of the Crown to do any act or thing or otherwise applying to him by his name of office include a minister acting for or, if the office is vacant, in the place of such minister under the authority of *The Public Service Act* or an order in council and also his successors in such office and his or their lawful deputy;

Officers
retained
during
pleasure

36. All officers now appointed or hereafter appointed under the authority of an Act or law, whether by commission or otherwise, shall remain in office during pleasure only unless otherwise authorized by law;

When majority
may act

37. When any act or thing is required to be done by more than two persons a majority of them may do it;

Effect of
incorporation

38. Words making any association or number of persons a corporation or body politic and corporate shall vest in such corporation power to sue and be sued, contract and be contracted with by their corporate name; to have a common seal and to alter or change the same at their pleasure; and to have perpetual succession; and power to acquire and hold personal property or movables for the purposes for which the corporation is constituted and to alienate the same at pleasure; and shall also vest in any majority of the members of the corporation the power to bind the others by their acts; and shall exempt the individual members of the corporation from personal liability for its debts or obligations or acts provided they do not violate the provisions of the act incorporating them;

Forms

39. Whenever forms are prescribed slight deviations therefrom not affecting the substance or calculated to mislead shall not vitiate them;

Repeal of
by-laws, etc.

40. Whenever power to make by-laws, regulations, rules or orders is conferred it shall include the power from time to time to alter or revoke the same and make others;

Private Acts

41. No provision or enactment in any Act which is of the nature of a private Act shall affect the rights of any person or of any body politic, corporate or collegiate, such only excepted as are therein mentioned or referred to;

Power of
repeal
reserved

42. Every Act shall be so construed as to reserve to the Legislative Assembly the power of repealing or amending it and of

revoking, restricting or modifying any power, privilege or advantage thereby vested in or granted to any person or party whenever such repeal, amendment, revocation, restriction or modification is deemed by the Legislative Assembly to be required for the public good;

43. The repeal of any Act or part of any Act or law shall not Effect of repeal limited revive any Act or provision of law repealed by such Act or part of an Act or prevent the effect of any saving clause therein;

44. The repeal or amendment of any Act or law shall not Repeal no declaration as to law previously be deemed to be or to involve any declaration whatsoever as to the previous state of the law;

45. Whenever any Act or law is repealed, wholly or in part, Repeal: continuation of previous officers, etc. and other provisions are substituted and whenever any regulation is revoked and other provision substituted all officers, persons, bodies politic or corporate acting under the old law or regulation shall continue to act as if appointed under the new law or regulation until others are appointed in their stead; and all proceedings taken under the old law or regulation shall be taken up and continued under the new law or regulation when not inconsistent therewith; and all penalties and forfeitures may be recovered and all proceedings had in relation to matters which have happened before the repeal or revocation in the same manner as if the law or regulation was still in force, pursuing the new provisions as far as they can be adapted to the old law or regulation;

46. Whenever any Act or law is repealed, wholly or in part, Repeal: by-laws, etc., continued and other provisions are substituted all by-laws, orders, regulations and rules made under the repealed Act or law shall continue good and valid in so far as they are not inconsistent with the substituted Act or provision until they are annulled or others made in their stead;

47. Whenever any Act or law or part of an Act or law is Repeal: reference to old law repealed and other provisions are substituted by way of amendment, revision or consolidation, any reference in any unrepealed Act or law (or in any rule, order or regulation made thereunder) to such repealed Act or law shall as regards any subsequent transaction, matter or thing be held and construed to be a reference to the provisions of the substituted Act relating to the same subject matter as such repealed Act or law, whether such repealed Act or law be an enactment of this province or an Ordinance of the North-West Territories or an enactment of any other province of Canada: 1908, c. 20, s. 9.

Provided always that there is no provision in the substituted Act relating to the same subject matter the repealed Act or law shall stand good and be read and construed as unrepealed in so far, but in so far only, as is necessary to support, maintain or give effect to such unrepealed Act or such rule, order or regulation made thereunder;

48. The repeal of an Act or law or the revocation of a regulation Repeal: existing rights reserved at any time shall not affect any act done or any right or right of action existing, accruing, accrued or established or any proceedings commenced in a civil cause before the time when such repeal or revocation takes effect; but the proceedings in such case shall be conformable when necessary to the repealing Act or regulation; but where there is no provision in the repealing Act or regulation relating to the same subject matter the repealed Act, law or regulation shall stand good and be read and con-

strued as unrepealed in so far but in so far only as is necessary to support, maintain or give effect to such right or right of action and the enforcement thereof;

Enforcement
of Acts —

49. Unless otherwise therein specially provided, proceedings for the imposition of punishment by fine, penalty or imprisonment for enforcing any provincial statute or municipal by-law may be brought summarily before a justice of the peace under the provisions of part XV of *The Criminal Code* and amendments thereto; and the words "on summary conviction" whenever they occur in any Act shall refer to and mean under and by virtue of part XV aforesaid; 1913 (1st Session), c. 9, s. 11 (1).

Application
of fines, etc.

50. Any duty, penalty, fine or sum of money or the proceeds of any forfeiture under any law of the province shall if no other provision be made respecting it, belong to the Crown for the public uses of the province and form part of the general revenue fund of the province;

Recovery of
penalties in
unprovided
cases

51. Where a pecuniary penalty or a forfeiture is imposed for the contravention of any Act then, if the provisions of part XV aforesaid are not applicable to the case and if no other mode is prescribed for the recovery of such penalty or forfeiture or if the mode prescribed is not applicable to the case, the penalty or forfeiture shall be recoverable with costs by civil action or proceeding at the suit of the Attorney General or of a private party suing as well for the Crown as himself in the court having jurisdiction to the amount of the penalty in cases of simple contract; if no other provision is made for the appropriation of the penalty or forfeiture one-half thereof shall belong to the Government of the province and the other half shall belong to the private plaintiff if any there be and if there be none the whole shall belong to the Crown; 1913 (1st Session), c. 9, s. 11 (2).

Repeal of
penalties and
forfeitures not
affected

52. No offence committed and no penalty or forfeiture incurred and no proceeding pending under any Act or law at any time repealed or under any regulation at any time revoked shall be affected by the repeal or revocation, except that the proceeding shall be conformable when necessary to the repealing Act or regulation; and whenever any penalty, forfeiture or punishment is mitigated by any of the provisions of the repealing Act or regulation such provision shall be extended and applied to any judgment to be pronounced after such repeal or revocation;

Acts public

53. Every Act shall, unless by express provision it is declared to be a private Act, be deemed to be a public Act and shall be judicially noticed by all judges, justices of the peace and others;

Judicial notice

Printed copies
of Acts

54. Every copy of any Act, public or private, printed by authority of law shall be evidence of such Act and of its contents; and every copy purporting to be so printed shall be deemed to be so printed unless the contrary is shown;

Evidence of
orders in
council

55. A copy of any regulation or order of the Lieutenant Governor in Council printed by the King's Printer or a written copy thereof attested by the signature of the clerk of the Executive Council shall be evidence of such regulation or order; and any order in writing signed by the member of the Executive Council fulfilling the duties of the Provincial Secretary and purporting to be written by command of the Lieutenant Governor shall be received in evidence as the order of the Lieutenant Governor;

Construction
of Acts,

56. The preamble of every Act shall be deemed a part thereof intended to assist in explaining the purport and object of the Act; and every Act and every provision or enactment thereof

shall be deemed remedial, whether its immediate purport is to direct the doing of any thing which the Legislative Assembly deems to be for the public good or to prevent or punish the doing of any thing which it deems contrary to the public good, and shall accordingly receive such fair, large and liberal construction and interpretation as will best insure the attainment of the object of the Act and of such provision or enactment according to its true intent, meaning and spirit;

57. Where reference is made in any Act by number to two or more sections, subsections, clauses or paragraphs of any Act or Statute, the number first mentioned and the number last mentioned shall both be deemed to be included in the reference; Reference to sections

58. Reference by number to any section, subsection, paragraph, clause or line of any other Act shall be deemed to be a reference to such section, subsection, paragraph, clause or line of such other Act as printed by authority of law; Reference to sections, etc., as printed

59. Where an Act is not to come into operation immediately on the passing thereof and confers power to hold any election, to make any appointment, to make, grant or issue any instrument, order in council, order, warrant, scheme, letters patent, rules, regulations or by-laws, to give notices, to prescribe forms or to do any other thing for the purposes of the Act, that power may, unless the contrary intention appears, be exercised at any time after the passing of the Act so far as may be necessary or expedient for the purpose of bringing the Act into operation at the date of the commencement thereof, subject to this restriction that any such instrument, order in council, order, warrant, scheme, letters patent, rules, regulations or by-laws shall not, unless a contrary intention appears in the Act or the contrary is necessary for bringing the Act into operation, come into operation until the Act comes into operation; Proceeding under Act preliminary to coming into force

60. Nothing in this section shall exclude the application to any Act of any rule of construction applicable thereto and not inconsistent with this section. General rules of construction

CUSTODY OF ACTS.

8. All Acts heretofore passed, now passed and hereafter to be passed shall be and continue to remain of record in the custody of the clerk of the Legislative Assembly. Acts to be recorded

CERTIFIED COPIES OF ACTS.

9. The clerk of the Legislative Assembly shall affix the seal of the province to certified copies of all Acts intended for transmission to the Secretary of State or required to be produced before courts of justice and in any other case which the Lieutenant Governor in Council may direct; and such copies so certified shall be held to be duplicate originals and also to be evidence, as if printed by lawful authority, of such Acts and of their contents. Authentication of copies

10. The clerk of the Legislative Assembly shall furnish a certified copy of any Act to any person applying for the same upon receiving from such person such fee (not exceeding ten cents for every hundred words) as the Lieutenant Governor in Council may from time to time direct. Certified copies

Certificate

11. The clerk of the Legislative Assembly shall insert at the foot of every such copy so required to be certified a written certificate duly signed and authenticated by him to the effect that it is a true copy; and in case of any Act disallowed after it came into force, "but disallowed by the Governor General in Council," which disallowance took effect on the..... day of....., A.D. 1.....

CONSTRUCTION OF THIS ACT.

Interpretation
hereof

12. The provisions of this Act shall apply to the construction thereof and a to the words and expressions used therein.

1906

CHAPTER 4.

An Act respecting the Public Service.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Public Service Act.*" Short title

INTERPRETATION.

2. In this Act, unless the context otherwise requires, the expression "head of a department" or "head" means the member of the Executive Council for the time being presiding over a department. Head of department

3. The expression "employee" or "employees" in this and any other Act shall include all persons in the service of the Government and of the Legislative Assembly of the Province other than the clerk of the Legislative Assembly and the auditor appointed under *The Treasury Department Act*. Employee

APPLICATION.

4. The Public Service of the province for the purposes of this Act includes and consists of the clerk of the Legislative Assembly and the Provincial Auditor and of all classes of employees in or under the following departments of the Government and of the Legislative Assembly of the province heretofore appointed or hereafter to be appointed by the Lieutenant Governor in Council or other competent authority, namely: Public service

- (a) The Office of the Executive Council;
- (b) The Department of the Attorney General;
- (c) The Department of the Provincial Secretary;
- (d) The Department of the Treasury;
- (e) The Department of Railways and Telephones;
- (f) The Department of Public Works;
- (g) The Department of Agriculture;
- (h) The Department of Education;
- (i) The Department of Municipal Affairs;
- (j) The Office of the Government Printer;
- (k) The Office of the Legislative Assembly. 1911-12, c. 4, s. 12.

5. Save as hereinafter excepted, this Act shall apply to such of the offices of the registrar, clerks and deputy clerks of the Application

Supreme Court of the North-West Territories as are in the province, and to the offices of the registrar, clerks and deputy clerks of all courts of justice hereafter established by law in the province. In so far as applicable and for the purposes of this Act the word "department" in this Act shall extend to and include the officers of the Supreme Court of the North-West Territories at present exercising jurisdiction in Alberta, and to the officers of all courts of justice hereafter established by law, and the Attorney General of the province for the time being shall be the head thereof; but nothing herein contained shall impair or interfere with any already established authority or control of the courts and judges over their officers.

Application
to the
employees
of the
Legislative
Assembly

6. This Act shall apply to the permanent employees of the Legislative Assembly, saving always all legal rights and privileges of the said Assembly as respects the appointment or removal of its officers or servants or any of them.

DIVISION OF THE PUBLIC SERVICE.

Inside division

7. The public service shall be divided into two divisions:

(a) The first or inside division shall consist of the employees comprising the several departmental staffs at the seat of Government in the province enumerated in the fourth section of this Act.

Outside
division

(b) The second or outside division shall comprise all other employees of the Government of the province.

CLERK OF THE LEGISLATIVE ASSEMBLY.

Appointment
how made

8. The clerk of the Legislative Assembly shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure; but whenever such pleasure is exercised in the direction of removing a clerk of the Legislative Assembly from his office a statement of the reasons for so doing shall be laid on the table of the Legislative Assembly within the first fifteen days of the next following session thereof.

MANAGEMENT OF DEPARTMENTS.

Oversight of
department

9. The head of each department shall oversee and direct the employees of the department; and shall have general control of the business thereof; and shall perform such other duties as are assigned to him by the Lieutenant Governor in Council.

Powers of
deputy in
absence of
head

10. In the absence of any head, the deputy or assistant to the head of the department shall perform the duties of such head unless an acting head of the department is appointed or the performance of such duties is otherwise provided for by the Lieutenant Governor in Council; and any deputy or assistant head so acting during such absence shall exercise all the powers vested in the head as to the control of the other employees of the department.

APPOINTMENTS.

11. (*Repealed*—1907, c. 5, s. 3.)

12. All appointments to the public service shall be made How made by the Lieutenant Governor in Council on the application and report of the head of the department in which the person appointed is to be employed. All such appointments shall be during pleasure.

13. It shall be lawful for the Lieutenant Governor in Council Acting to appoint any member of the Executive Council to act as head of the department and also to appoint any acting officer or servant of any kind who shall have all the power and authority of the person for whom he is acting.

(2) Such acting head of department, officer or servant shall When to have effect act only in the absence from the post of duty or during illness or other physical disability of the person for whom he acts or in case of a vacancy in office.

OATHS.

14. All employees of the public service who have not already Employees to subscribe to oaths of allegiance and office done so and every clerk of the Legislative Assembly, Provincial Auditor, or employee hereafter appointed, before any salary is paid to him shall take and subscribe the oath of allegiance, which shall be in the following form and also the oath contained in form A in the schedule hereto in addition to any other oath which may be provided by any other Act in that behalf:

I, (A.B.).....of.....
in the Province of Alberta do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King Edward the Seventh as lawful Sovereign of the United Kingdom of Great Britain and Ireland and of this province dependent on and belonging to the said Kingdom; and that I will defend him to the utmost of my power against all traitorous conspiracies or attempts whatsoever which may be made against His Person, Crown and Dignity; and that I will do my utmost endeavour to disclose and make known to His Majesty, His Heirs or Successors, all treason or traitorous conspiracies and attempts which I may know to be against him or any of them. And all this I do swear without any equivocation, mental evasion or secret reservation. So help me God.

15. In the case of the clerk of the Executive Council and Clerk of Executive Council to subscribe to oaths of secrecy all employees under him and in the case of any officer or employee of whom the Lieutenant Governor requires the same there shall be added to the oath at the asterisks in the form of the oath in said form A of the schedule hereto the words contained in form B in the said schedule.

16. The clerk of the Executive Council shall take and sub- Persons before whom such oaths are to be taken scribe the said oaths before the Lieutenant Governor or some one appointed by him to administer the same; in the case of persons residing or coming to reside at the seat of Government in the province, the oath shall be taken and subscribed before the clerk of the Executive Council; in other cases the oaths

may be taken and subscribed before any person duly authorized to administer oaths in the province, who shall forward the same to the clerk of the Executive Council.

Record
of oaths

17. The clerk of the Executive Council shall keep a record of all such oaths.

SALARIES.

Salaries

18. All employees in the public service of the province, the clerk of the Legislative Assembly, and the Provincial Auditor shall receive such salaries respectively as may be assigned to them by order in council and voted by the Legislature.

ORGANIZATION.

Precedence
of officials

19. The staff of each department shall be divided and rank as follows:

- (a) The deputy or assistant to the head of the department;
- (b) The chief clerk of each branch, bureau or sub-department provided the department is so divided;
- (c) Clerks;
- (d) Messengers.

Divisions of
departments

20. The Lieutenant Governor in Council may from time to time divide any department into as many branches, bureaus or sub-departments as may appear most convenient for the service; and one of the clerks in such department may be appointed chief clerk of such branch, bureau or sub-department.

GENERAL PROVISIONS AND REGULATIONS.

Officials
required

21. As soon as conveniently may be after the passing of this Act, the Lieutenant Governor in Council shall determine the number of officers or employees that are required for the working of each department and shall classify the same according to the arrangements so determined.

22. (*Repealed*—1914, c. 2, s. 25.)

(2) (*Repealed*—1907, c. 5, s. 3.)

Hours of
attendance

23. The Lieutenant Governor in Council may regulate the hours of attendance of the employees in any department; and when the public service demands, in case of pressure or urgency, that additional time be given, such additional time as the head or deputy head of any department may require shall be given by all the clerks and employees without additional compensation.

Transfer of
clerks from
one department
to another

24. The Lieutenant Governor in Council may transfer any clerk or employee from one department to another or assign any duties to any clerk or employee temporarily or otherwise.

Payment for
extra services

25. Unless otherwise ordered by the Lieutenant Governor in Council, no allowance or compensation shall be made for any extra services whatsoever which any clerk or employee may be required to perform.

26. The head of a department may suspend from the performance of his duty or from the receipt of his salary any employee guilty of improper conduct or negligence in the performance of his duties and may subsequently remove such suspension; but no person shall receive any salary or pay for the time during which he was under suspension. Suspension of officials

27. Any application for increase of salary made by any employee in the public service or by any other person on his behalf with such employee's consent or knowledge shall be considered as a tendering of the resignation of such employee. No applications for increase of salary to be made

28. The head of a department may at such times as may be convenient grant to each employee in the department leave of absence for recreation for any period not exceeding three weeks for each year of service; and the head of a department, may, in case of illness or other pressing necessity, grant such extended leave not exceeding twelve months and on such terms as the Lieutenant Governor in Council may think fit. Leave of absence

29. The Lieutenant Governor in Council may make rules and regulations for carrying the provisions of this Act into effect. Rules and regulations may be made

30. Where in any Ordinance of the North-West Territories or Act of the Parliament of Canada with relation to any matter within the legislative jurisdiction of the Province of Alberta, reference is made to any public department, head of a department, officer or functionary of the Government of the North-West Territories, such reference shall be taken to mean and to refer to and since the first day of September, 1905, to have meant and to have referred to, the corresponding public department, head of a department, officer or functionary of the Government of Alberta, if any such exists or is hereafter by law established; provided that nothing in this Act shall be taken to invalidate any Act or thing done by any head of department, officer or functionary of the North-West Territories under the authority of any such Ordinance or Act. References to public department, etc., in Ordinances, etc., to be taken to mean corresponding public department, etc., of the province

30a. Whenever under the provisions of any Ordinance of the North-West Territories or Act of the Province of Alberta, or regulations passed in pursuance thereof, any duties, powers or functions are assigned to any member of the Executive Council or any department of the public service, the Lieutenant Governor in Council may, from time to time, assign such duties, powers and functions or any of them to such other member of the Executive Council or department of the public service as may be deemed proper in the place and stead of the member of the Executive Council or department of the public service, to which such duties, powers and functions, or any of them, are assigned by Ordinance or Act or regulations as aforesaid. 1911-12, c. 4, s. 12. Lieutenant Governor given power to change minister

31. All enactments and provisions of law and all orders and regulations made thereunder inconsistent with or repugnant to this Act are hereby repealed. Repeal

SCHEDULE.

FORM A.*Oath of Office.*

I, (A.B.), do solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me as, and that I will not ask or receive any sum of money, services, recompense, or matter or thing whatsoever, directly or indirectly, in return for what I have done or may do in the discharge of any of the duties of my said office, except my salary or what may be allowed me by law or by an order of the Lieutenant Governor in Council. * * So help me God.

FORM B.*Addition to Oath for Clerk of Executive Council and Others.*

And that I will not, without due authority in that behalf, disclose or make known any matter or thing which comes to my knowledge by reason of my employment as (as the case may be).

1906

CHAPTER 5.

An Act respecting the Treasury Department and the Auditing of Public Accounts.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Treasury Department Act.*" Short title

INTERPRETATION.

2. In this Act unless the context otherwise requires—

Interpretation

- (a) The expression "treasurer" means the member of the Executive Council appointed to act as Provincial Treasurer; Treasurer
- (b) The expression "auditor" means the Provincial Auditor; Auditor
- (c) The expression "board" means the treasury board; Board
- (d) The expression "department" means the Treasury Department; Department

(e) The expressions "public revenue," "revenue," and "public money" respectively mean all revenue and public moneys arising from any source whatever, whether such revenue and moneys belong to the province, or are held by the province, or collected or held by officers of the province for, or on account of, or in trust for any provinces forming part of the Dominion, or for the Dominion or for the Imperial Government, or for any other party or person; Public revenue or public money

(f) The expression "revenue officer" means any person employed in collecting, managing or accounting for revenue, or in carrying into effect any laws relating thereto, or in preventing the contravention of any such laws; and so far as regards accounting for and paying over such revenue, the said expression includes any person who has received or has been entrusted with any public money, whether such person was regularly employed for such purpose or not. Revenue officer

ORGANIZATION AND FUNCTIONS OF DEPARTMENT.

3. There shall be a department of the public service of the province to be called "the Treasury Department," over which the member of the Executive Council appointed by the Lieutenant Governor under the seal of the province to discharge the functions of the Provincial Treasurer for the time being shall preside. Organization

4. The department shall have the management and control of the revenue and expenditure of the province. Functions

GENERAL REVENUE FUND.

General
revenue fund,
what to
consist of

5. All revenues whatever, however arising or received, over which the Legislative Assembly of the province has power of appropriation, excepting moneys which may otherwise be specially disposed of by the Legislature, shall form one general revenue fund to be appropriated for the public service of the province.

What charged
with

6. The general revenue fund shall be permanently charged with all costs, charges and expenses incident to the collection, management and receipt thereof, such costs, charges and expenses being subject, nevertheless, to audit and to legislative review and vote.

Appropriations
from general
revenue fund
and how made

7. The Legislative Assembly shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of such general revenue fund to any purpose which has not been first recommended to the said Legislative Assembly by message of the Lieutenant Governor during the session in which such vote, resolution, address or bill is proposed.

COLLECTION AND MANAGEMENT OF REVENUE.

Appointment of
revenue officers

8. The Lieutenant Governor in Council may from time to time determine what revenue officers it is necessary to employ and assign their names of office and fix their salaries and appoint the times and manner in which the same shall be paid; but no such officer shall receive a higher salary than is allowed in his case by any Act of the Legislative Assembly then in force, nor shall any such salary be paid unless voted by the said Legislative Assembly.

Officers
employed on
any duty to
be deemed
proper officers
for such
duty, etc.

9. Every revenue officer employed on any duty or service by the order or with the concurrence of the Lieutenant Governor in Council shall be deemed to be the proper officer for that duty or service; and everything required by any law to be done by, to or with any particular officer designated for that purpose in such law shall, when done by, to or with any person appointed or authorized by the Lieutenant Governor in Council to act in behalf of such particular officer, be deemed to be done by, to or with such particular officer.

Officers of one
branch may
be employed
in others

10. Any revenue officer employed for any branch of the revenue may be employed for any other branch thereof whenever it is deemed advantageous for the public service so to employ him.

Hours of
attendance

11. The Lieutenant Governor in Council may from time to time appoint the hours of general attendance of the revenue officers at their place of employment and may also appoint the times during such hours or the seasons of the year at which any particular portions of their duties shall be performed; and a notice of the hours of general attendance so appointed shall be constantly posted up in some conspicuous place in such places of employment.

12. The Lieutenant Governor in Council may direct any revenue officer to keep any books or accounts for the purpose of obtaining any statistical information touching the resources or public works of the province or other matter of public interest and may authorize any necessary expense for that purpose. Books and accounts

13. The Lieutenant Governor in Council may from time to time assign the immediate oversight and control of any revenue officers to such of the public departments as may be deemed convenient; and in default of other assignment such immediate oversight and control shall rest with the Treasury Department. Oversight and control of officers

14. All revenue shall be paid promptly to the treasurer through such officers, banks or parties and in such manner as the Lieutenant Governor in Council may from time to time direct. Payment of revenue

15. Revenues for the previous fiscal year may be received at the office of the treasurer and placed to the credit of such fiscal year's account up to and inclusive of the fifth day of January in each year. Revenue of previous year

16. The Lieutenant Governor in Council may from time to time appoint the times and modes in which any revenue officer shall account for and pay over the public moneys which come into his hands; and may determine the times, manner and form in which and the officer by whom any licenses on which any duty is payable are to be issued; but such accounts and payments shall be rendered and made by such officers at least once in every three months. Accounting of revenue officers

17. Every revenue officer on receiving public money shall forthwith deposit the same in his name of office in such chartered bank as the Lieutenant Governor in Council may appoint; and no money so deposited shall be paid out again except for the purpose of being paid to the treasurer on the written order or official cheque of the officer so depositing or of his successor; and every such officer shall keep his cash book written up daily; and all his books, accounts and papers shall at all times during office hours be open to the inspection of any person whom the treasurer may authorize to inspect the same; but where such money is received at a place where it is not convenient to pay it into a chartered bank, the Lieutenant Governor in Council may direct it to be paid over in such manner as he may deem expedient. Duty of revenue officer on receiving money
Cash book

TREASURER AND TREASURY DEPARTMENT.

18. Any member of the Executive Council who may be appointed by the Provincial Treasurer shall during his term of office have all the powers and duties assigned to him by this Act and such other duties and functions as the Lieutenant Governor in Council may from time to time impose on him. Members of Executive Council may have powers of treasurer

19. There shall be employed on the staff of the Treasury Department, under appointment of the Lieutenant Governor in Council, such officers and persons as may be deemed necessary; and their respective duties in all matters not expressly Staff of treasury department

regulated by law shall be such as may from time to time be assigned to them by order of the Lieutenant Governor in Council or subsidiarily thereto by the treasurer.

Mode of
keeping the
public accounts

20. The accounts of the province shall be kept in the Treasury Department in such manner and under such regulations as to their fullness and accuracy and as to the measure of oversight and responsibility attached thereto to the treasurer and to the auditor or the treasury board respectively as the Lieutenant Governor by order in council or (subject to all such orders) the treasurer may make from time to time.

Fiscal year

21. The fiscal year of the province shall be the period from the thirty-first day of December in one year to and including the thirty-first day of December in the next year.

Public
accounts

22. As soon as practicable after the close of each fiscal year there shall be prepared under the direction of the treasurer, for submission to the Legislative Assembly at its next session, a statement of the public accounts for such year showing clearly and fully the several revenues and expenditures of the province for the year, the state of the general revenue fund and all trust and special funds under the management of the Provincial Government, and all matters requisite to explain the financial transactions and position of the province during and at the close of each year.

Time of
rendering
accounts may
be altered

23. The Lieutenant Governor in Council may alter the period at or to which any accountant for public money, public officer, corporation or institution is required to render any account or to make any return, whenever in his opinion such alteration will facilitate the correct preparation of such statement of the public accounts or of the estimates, anything in any Act to the contrary notwithstanding.

Estimates

24. All estimates submitted to the Legislature shall be for the services coming in course of payment during the fiscal year or during such other term as such estimates may expressly purport to cover; and all balances of appropriations remaining unexpended at the close of such fiscal year or other term shall lapse and be written off, except that in case of liabilities incurred during the then expiring fiscal year accounts therefor may be paid up to and including the thirty-first day of January following, but not later; and all such payments shall be charged to and form part of the expenditure of that expiring year.

Balances
to lapse

Estimates,
what to
contain

25. The estimates shall contain the statutory appropriations which do not require to be voted upon by the Legislative Assembly year by year and also the respective amounts required for any service in addition to such statutory appropriations or otherwise, as the case may be, for which a vote of the Legislative Assembly is required to authorize the expenditure of the same.

• • Investment
of revenue

26. The Lieutenant Governor in Council may from time to time direct the treasurer to invest any portion of the general revenue fund not presently required for expenditure in public

securities of the Dominion of Canada or of the province or in the debentures of school districts in the province; and may afterwards, whenever requisite to meet expenditure, direct him to dispose thereof to that end, in such manner, on such terms and to such amount as may be deemed most for the public advantage. 1915, c. 2, s. 3.

27. All payments of public moneys shall be made by official cheque on a chartered bank, such cheque being signed by the treasurer and countersigned by the auditor as hereinafter provided. Expenditure to be by cheque

28. All institutions, establishments, associations and bodies, sustained or in part aided at public expense, shall render yearly on or before the thirty-first day of January for the twelve months ended on the thirty-first day of the preceding month of December, in such form as from time to time may be required by the Lieutenant Governor in Council, a full report of their condition, management and progress and also all statistical returns which may from time to time be required of them by the Lieutenant Governor in Council. Returns to be made yearly by institutions aided from revenue

29. The clerk, secretary, overseer or other proper officer of every municipal corporation, village or school district, whenever required by the treasurer, shall transmit to him a return verified under oath setting forth the amount of real and personal property in the municipality, village or school district according to the then last revised assessment roll or rolls, a true account of all the assets, debts and liabilities of such municipalities, village or school district, and all such information and particulars as to the resources, debts and liabilities thereof as he may from time to time require. Certain return from municipalities, etc., when required

30. The Lieutenant Governor in Council may from time to time direct through what department or departments the various reports and returns referred to in the last two preceding sections, or any of them, shall be rendered for transmission to the Treasury Department; and in default of other direction the same shall be rendered direct to the Treasury Department. Returns, how to be made

TREASURY BOARD, ITS POWERS AND DUTIES.

31. For the purpose of reference and decision in regard to the matters hereafter referred to it, a treasury board composed of members of the Executive Council shall be appointed by the Lieutenant Governor in Council; and the members so appointed shall be the treasury board for the time being. Treasury board, composition of

32. The Lieutenant Governor in Council may, in case of illness or absence of any member of the board, authorize any other member of the Executive Council to perform all or any of the duties of the absent member as such. Illness or absence provided for

33. The treasury board shall keep a regular minute book in which shall be recorded all its proceedings; any member may bring any question of audit before the board, although it may not relate to a department under his charge. Minute book Questions of audit

Reports
of board

34. Upon all matters of importance the board shall report to the treasurer; and when any such report is made any member of the board may record his dissent on the minutes and may submit to the treasurer a minority report.

Regulations
to be framed
by board

35. The treasury board shall frame regulations respecting—

- (a) The method of bookkeeping to be used in the several departments of the Government of the province;
- (b) The issuing of warrants;
- (c) The accounting for public moneys and the auditing of accounts thereof;

and shall submit such regulations to the Lieutenant Governor in Council through the treasurer; and from time to time may suggest any amendments which it may deem advisable in such regulations and submit them in like manner; and any order in council made on any of these subjects shall have the force of law until revoked or amended, as it may be, by any subsequent order.

Board to
examine state-
ment of public
accounts

36. The treasury board shall examine the yearly statement of the public accounts and submit its report thereon to the Lieutenant Governor in Council for communication to the Legislative Assembly.

Persons may
be examined
on oath

37. The treasury board may examine any person on oath on any matter pertinent to any account submitted to it and such oath may be administered by any member of the board.

Subpoena
to appear
before board

38. Any member of the board, duly authorized by it, may apply in chambers to any judge of the Supreme Court of the North-West Territories, or to the judge of any court hereafter constituted exercising within the province the jurisdiction, powers and authority at the date of the passing of this Act exercised therein by the Supreme Court of the North-West Territories, for and obtain an order directing any person therein named to appear before the said board at the time and place mentioned in such order and then and there to be examined under oath as to any and all matters within his knowledge relative to any account submitted to the board and to bring with him and produce to the board any document, paper or thing which he may have in his possession relating to such account as aforesaid.

Production of
papers, etc.

Commission to
take evidence

39. If any person whose examination is required by the board resides at a distance from the place where its sittings are held or for any other reasonable cause it may be considered proper, on application as in the last preceding section mentioned the judge may order such examination to be taken before an officer or person named in the order who shall, by virtue of such order, take such evidence and report the same to the board; and such officer or person, being first sworn before some justice of the peace faithfully to execute the duty imposed on him by such officer, shall with regard to such examination have the same powers as the board or any member thereof would have if such examination had been had before the board itself.

Powers of
commissioner

40. If any person so ordered to attend before the treasury board, or any officer or person appointed as aforesaid, fail without valid excuse to attend as ordered or to produce any document, paper or thing in his possession relating to the subject matter in question, or refuse to be sworn or to answer any pertinent question put to him during his examination, such person shall be guilty of an offence and be liable on summary conviction thereof to a penalty of \$100, and in default of payment forthwith after conviction to imprisonment for a period not exceeding three months.

Penalty in case witness fails to attend before board or commissioner

PENALTIES AND REMEDIES FOR MALFEASANCE AND DEFAULT.

41. If any person refuses or neglects to transmit any account, statement or return with the proper vouchers to the officer or department to whom he is lawfully required to transmit the same on or before the day appointed for the transmission thereof, such person shall, for every such refusal or neglect be guilty of an offence and be liable on summary conviction thereof to a penalty of \$100, and in default of payment forthwith after conviction to imprisonment for a period not exceeding three months.

Refusal to transmit accounts

42. Whenever the treasurer has reason to believe than any officer or person has received public money or money applicable to any public purpose and has not paid over or duly applied and accounted for the same, he may by a notice in writing to such person, or to his representative in case of death, require that within a time to be named therein such money be paid over or applied and accounted for to the treasurer or the officer to be mentioned in the notice with proper vouchers.

Persons receiving public moneys and not accounting

How to be dealt with

43. If any such person fail to pay over, apply or account for any such money or to transmit such vouchers within the time limited by the notice served on him, the treasurer shall state an account against such person in the matter to which the notice relates charging interest from the date of service thereof which statement or a certificate thereof shall be sufficient *prima facie* evidence to support any proceeding for the recovery of the amount thus shown to be in the hands of the said person as a debt due to the Crown.

Proceedings where person fails to pay over money, etc., after notice

44. If at any time it appears clearly by the books of accounts kept by or in the office of any revenue officer, or by his written acknowledgment or confession that he has by virtue of his office or employment received any public money amounting to a sum certain which he has failed to pay over to the officer duly appointed to receive the same and in the manner and at the time lawfully appointed, then, upon affidavit of the facts by any officer cognizant thereof and thereunto authorized by the Lieutenant Governor in Council made before a judge of the Supreme Court of the North-West Territories or of any court hereafter constituted exercising within the province the jurisdiction, powers and authority at the date of the passing of this Act exercised therein by the Supreme Court of the North-West Territories, such judge may direct a judgment to be entered therefor in the name of the Attorney General against the officer so in default in the

Judgment may be entered against officer in default

said court in the judicial district in which such officer resides with such costs as the judge may direct, upon which execution may be had as in cases of judgment obtained in the ordinary course of procedure in the said court.

Persons receiving money for specific purpose failing to so apply it

45. If any person has received public money for the purpose of applying it to any specific purpose and has not so applied it within the time or in the manner provided by law, or if any person having held any public office and having ceased to hold the same has in his hands any public money received by him as such officer for the purpose of being applied to any specific purpose to which he has not so applied it, such person shall be deemed to have received such money for the Crown for the public uses of the province and may be notified by the treasurer to pay such sum back to him; and the same may be recovered from him in any manner in which debts to the Crown may be recovered and an equal sum may in the meantime be applied to the purpose to which such sum ought to have been applied.

Officers liable for public moneys lost through malfeasance, etc.

46. If by reason of any malfeasance or of any gross carelessness or neglect of duty by any revenue officer any sum of money be lost to the Crown, such officer or person shall be accountable for such sum as if he had collected and received the same; and it may be recovered from him by civil procedure in the Supreme Court of the North-West Territories or in any court hereafter constituted exercising within the province the jurisdiction, powers and authority at the date of the passing of this Act exercised therein by the Supreme Court of the North-West Territories, at the suit of the Attorney General on proof of such malfeasance, gross carelessness or neglect in like manner as if he had so collected and received it.

Acceptance by officer of reward for official acts

47. If any revenue officer receive directly or indirectly any money, service, value or thing whatever from any person not legally authorized to pay or allow the same on account of anything done by him in any way relating to his office or employment, except what he receives by order or with the permission of the Lieutenant Governor in Council, every such officer shall on proof of the same to the satisfaction of the Lieutenant Governor in Council be dismissed from his office or employment; and if any person, not being an officer duly authorized to pay or allow the same, give, offer or promise any such money he shall, for every such gift, offer or promise, be guilty of an offence and be liable on summary conviction thereof to a penalty of \$400 and in default of payment forthwith after conviction to imprisonment for a period not exceeding six months.

Books, etc., of revenue officers property of Crown

48. All books, papers, accounts and documents of what kind soever kept or used by or in the possession of any revenue officer by virtue of his employment as such shall be deemed to be chattels belonging to His Majesty and all moneys or valuable securities received or taken into his possession by virtue of his employment shall be deemed to be moneys and valuable securities belonging to His Majesty.

Other legal remedies not affected

49. Nothing contained in this Act shall prevent, lessen or impair any remedy already given by law to His Majesty or any other party.

MISCELLANEOUS PROVISIONS.

50. Upon all examinations and inquiries made by order of the Lieutenant Governor in Council for ascertaining the truth as to any fact concerning the revenue or the conduct of revenue officers and upon like examinations and inquiries made by any person authorized by the Lieutenant Governor in Council to make the same, any person to be examined as a witness shall deliver his testimony on oath to be administered to him by the person making the examination or inquiry.

Inquiries and examinations to be conducted under oath

51. The Lieutenant Governor in Council whenever he deems it conducive to the public good and when great public inconvenience or great hardship and injustice to individuals would otherwise ensue, may remit any tax or fee payable to His Majesty imposed or authorized and relating to any matter within the scope of the Legislative Assembly or any forfeiture or pecuniary penalty imposed for any contravention of the laws relating to the revenue or to the management of any public work producing revenue although any part of such forfeiture or penalty be given by law to the informer or prosecutor or to any other party; and such remission may be made by any general regulation or by special order in any particular case; and may be total or partial, unconditional or conditional; but if conditional and the condition be not performed, the order made in the case shall be null and void and all proceedings may be had and taken as if it had not been made.

Remission of taxes or fees in certain cases

52. A detailed statement of all remissions mentioned in the last preceding section shall be annually submitted to the Legislative Assembly within the first fifteen days of the next ensuing session thereof.

Statement of remission to be furnished

53. The Attorney General may sue for and recover in His Majesty's name any penalty or forfeiture imposed by any law relating to the revenue; and the whole of such penalty or forfeiture shall belong to His Majesty for the public uses of the province unless the Lieutenant Governor in Council do, as he may if he see fit, allow any portion thereof to the seizing officer or other person by whose information or aid the penalty or forfeiture has been recovered.

Penalties and forfeitures

(2) The Attorney General may direct the discontinuance of any suit for any such penalty or forfeiture by whom or in whose name soever the same has been brought.

54. All commissions and appointments of revenue officers issued or made before the passing of this Act shall continue in force unless and until revoked or altered by competent authority; and the nature of the duties and local extent of the powers of each officer shall, unless and until they be expressly altered and so far as they are not inconsistent with any Act of the Legislative Assembly, remain the same as if granted or made under the authority of this Act, subject always to the provisions and enactments thereof; and all bonds which have been given by such officers or persons or their sureties shall remain in full force and effect.

Existing appointments to continue
Bonds to remain in full force

PROVINCIAL AUDITOR.

Provincial
Auditor

55. For the complete examination of the public accounts of the province and for reporting thereon to the Legislative Assembly the Lieutenant Governor in Council may appoint an officer to be called the Provincial Auditor who shall hold office during good behaviour and shall be removable for cause by the Lieutenant Governor on address of the Legislative Assembly; but he may at any time be suspended from office for cause assigned and another person temporarily appointed by the Lieutenant Governor in Council to act as Provincial Auditor until the Legislative Assembly at its next session shall have considered and taken action in the premises.

Assistants may
be employed

56. The Lieutenant Governor in Council shall from time to time appoint any officer, clerk or other person to be employed in the office of the auditor.

Auditor
to make
rules, etc.

57. The auditor shall have power to make from time to time order and rules for the conduct of the internal business of his office and to prescribe regulations and forms for the guidance of departmental accountants in making up and rendering their accounts for examination:

Subject to the
approval of
treasury board

Provided always that such rules, regulations and forms shall be approved by the treasury board previous to the issue thereof.

Book of
record to
be kept

58. The auditor shall keep proper books of record of all revenues and expenditures of the province with an appropriation ledger in which the several appropriations and sub-appropriations shall be classified, containing an account under separate and distinct heads of every such appropriation or sub-appropriation, whether permanent or temporary, entering under each head the amounts drawn on account of such appropriation, with the dates and names of the parties to whom payments are made and the services for which they were respectively made.

Uniform
system of
account
books

59. A uniform system of account books adapted to the requirements of each department in order to exhibit in a convenient form the whole of the receipts and of payments in respect of each vote shall be prepared by the auditor and submitted to the treasury board for approval before its adoption.

Auditor
to check
receipts
and
payments

And certify
same

60. The auditor shall check during each month the receipts and payments of the several departments for the calendar month previous from the books of the department wherein the transactions of such are regularly posted with the books of his office; and shall certify in the departmental books referred to the result of such audit and the date of inspection.

Auditor
to check
accounts

61. The auditor shall examine, check and audit all accounts of receipts and payments of public moneys whether appertaining to the province or received and paid by the province on account of or in trust for any other party or parties.

Accounts to
be rendered
in duplicate

62. All accounts against the Government of the province must be rendered in duplicate; the heads of the several departments or the officers, clerks or other persons charged with the

expenditure of public moneys shall respectively audit the details of the accounts of the several services in the first instance and be responsible for the correctness of such examination; but such departmental examination shall not relieve the auditor from finally examining and auditing the accounts as provided for under this Act.

63. After the correctness of any account has been certified to in the manner prescribed by the treasury board the same shall be handed to the auditor for final examination and audit and upon the completion of such examination the original voucher shall be handed to the treasurer for retention, the other to be returned to that branch of the service under the authority of which the expenditure has been incurred. Vouchers after audit, how to be dealt with

64. Every appropriation account shall be examined by the auditor on behalf of the Legislative Assembly, and in the examination of such accounts the auditor shall ascertain— Accounts to be examined by auditor

(a) Whether the same is supported by vouchers or proofs of services having been rendered or supplies furnished, and His duties as to such accounts

(b) Whether the money being expended is being applied to the purposes for which such grant was intended:

Provided always that whenever the said auditor shall be required by the treasurer to make a re-examination of any appropriation account for the purpose of ascertaining whether the expenditure incurred under any such account is supported by proper authority and the payment applied as indicated by the voucher or of proof of payment or that a payment so charged did not occur within the period of the account or was for any reason not properly chargeable against the grant, the auditor shall examine such account with that object and shall report to the treasurer any expenditure which may appear upon such re-examination to have been incurred or applied without proper authority; and if the treasurer should not thereupon see fit to sanction such unauthorized expenditure, it shall be regarded as not chargeable to a legislative grant and shall be reported to the Legislative Assembly in the manner herein provided. Provide as to re-examination of accounts

65. In conducting the examination of accounts or vouchers relating to the appropriation of the grants for the several services sanctioned by the estimates of the year, by any Act of the Legislative Assembly, or by any other act, law, order or regulation, the auditor shall test the accuracy of the computations of the several items of such vouchers; and if he be satisfied that the accounts bear evidence that the vouchers have been completely checked, examined and certified as correct in every respect and that they have been allowed and passed by the proper departmental officers he may admit the same as satisfactory evidence of correctness in support of the charges to which they may relate but he shall not be thereby relieved from his responsibility in the matter: Report to Legislature

Provided always that if the treasurer should desire any vouchers to be examined by the auditor in greater detail, the auditor shall cause such vouchers to be subjected to such a detailed examination as the treasurer may think fit to prescribe. Method of examination of accounts

Preparation
of cheques

66. The cheques shall be prepared in the Treasury Department and signed by the treasurer or such member of the Executive Council as may be appointed to act as treasurer under the provisions of section 18 of this Act and countersigned by the auditor or other officer appointed thereunto duly authorized by order in council; and such cheques shall be entered in the books of the audit office; and it shall be the duty of the auditor with an official of the Treasury Department, not later than the tenth day of each month, to examine the cheque books of that department for the calendar month previous, comparing expenditure with his own appropriation books.

Entering
of same

Duties of
auditor as
to issue of
cheques

67. It shall be the duty of the auditor, subject to the exceptions hereinafter provided for, to see that no cheque issues for the payment of public money for which there is no direct appropriation, or which is in excess of any appropriation or in excess of such sums as may have been deposited with the Government of the province in trust for any person, persons or corporations.

Certificate of
auditor as to
authority for
expenditure]

68. No cheque for public money shall issue, except upon the certificate of the auditor that there is legislative authority for the expenditure, save only in the following cases:

Exceptions

1. If, upon any application for a cheque, the auditor has reported that there is no legislative authority for issuing it then, upon the written opinion of the Attorney General that there is such authority, citing it, the treasurer, irrespective of the auditor's report, may cause the cheque to be issued;

On opinion
of Attorney
General

Extraordinary
circumstances

2. If (when the Legislature is not in session) any accident happen to any public work or building which requires an immediate outlay for repair thereof, or on any other occasion when any expenditure not foreseen or provided for or insufficiently provided for by the Legislature is urgently and immediately required for the public good, then upon the report of the treasurer that there is no legislative provision, or, if any, that the amount is insufficient and of the head of the department having charge of the service in question that the necessity is urgent, the Lieutenant Governor in Council may order a special warrant to be prepared to be signed by the Lieutenant Governor himself authorizing the expenditure of the amount estimated to be required which shall be placed to the credit of the account and against which cheques may issue from time to time in the usual form as they may be required;

Objections
by auditor

3. If the auditor has refused to certify that a cheque of the treasurer may issue on the ground that the money is not justly due or that it is in excess of the authority granted by the Lieutenant Governor in Council or for any reason other than that there is no legislative authority, then upon a report of the case prepared by the auditor, the treasury board shall be the judge of the sufficiency of the auditor's objection and may sustain him or order the issue of the cheques in its discretion;

Treasury
board to
decide

Auditor to
prepare
statement
of special
warrants, etc.

4. It shall be the duty of the auditor in all such cases to prepare a statement of all such legal opinions, reports of council, special warrants and cheques issued without his certificate and of all expenditure incurred in consequence thereof, which he shall deliver to the treasurer, to be by him presented to the Legislative Assembly at the same time at which the public accounts are presented;

5. The auditor or any other person authorized to countersign Auditor to countersign all cheques cheques issued by the treasurer, shall before countersigning such cheques satisfy himself that the cheques are authorized under some one or other of the provisions of this Act;

6. No part of this section shall apply to moneys deposited Not to apply to trust funds with the Government of the province in trust for any person, persons or corporation.

69. No payment shall be authorized by the auditor in respect of services rendered or supplies furnished by any person in connection with any part of the public service of the province unless, in addition to any voucher or certificate which may be required in that behalf, the person, under whose special charge such part of the public service is certifies to the effect that such services have been rendered or such supplies furnished, as the case may be, and that the charge made is according to contract, if not covered by contract, is fair and just: Payment not to be authorized without certificate of correctness

Provided, however, that no cheque shall issue for the payment of any progressive estimate unless the voucher or certificate upon which such estimate is paid contains, so far as practicable, the details of the materials supplied and the services rendered, except in the case of a payment as a progressive estimate, when, if owing to the nature of the work performed or material supplied it is impossible to render a statement in detail, an accountable advance may be authorized as partial payment; but under no circumstances is a second advance to be made upon the same service until such first advance is duly accounted for. Progressive estimates

70. Should any difference arise between the auditor and any department respecting the appropriations to which any authorized expenditure should be charged, such difference may be referred by the department to the treasury board; and the board shall determine in what manner and to what appropriation or account such expenditure shall be charged. Differences between auditor and department

71. Besides the appropriation accounts of the grants of the Legislature the auditor shall examine and audit, if required to do so by the treasurer and in accordance with any regulations that may be prescribed for his guidance in that behalf by the treasury board, the following accounts, that is to say: The accounts of all receipts of revenues forming the general revenue fund of the province, the accounts current with any bank or financial agent of the province, and any other public accounts which, though not relating directly to the receipts and expenditures of the province, the treasurer or the treasury board may direct. Other accounts that auditor may be required to examine and audit

72. The accounts which by the last preceding section the treasurer is empowered to subject to the examination of the auditor shall be rendered to him by the department or officer directed by the treasurer so to do; and the expression "account-ant," when used in this and the following sections of this Act with reference to any such accounts, shall be taken to mean the officer that may be so required by the treasurer to render the same; and every public officer into whose hands public moneys, in the nature either of revenue or of fees of office, Accounts under preceding section, by whom to be rendered Officers collecting money to account to auditor

shall be paid by persons bound by law or by regulation to do so or by subordinate or other officers whose duty it may be to pay such moneys wholly or in part into the account of the treasurer or to apply the same to any public service shall, at such time and in such form as the treasury board shall determine, render an account of his receipts and payments to the auditor; and it shall be the duty of the clerk of the Executive Council to inform the auditor of the appointment of every such officer.

Auditor shall submit a statement of his audit to treasurer

73. In all cases where the auditor is required by the treasurer to examine and audit any accounts under the last two preceding sections, he shall, on examination of such accounts being completed, transmit a statement thereof or a report thereon to the treasurer, who shall, if he think fit, signify his approval of such accounts; and the auditor, on receipt of such approval, shall thereupon transmit to the accountant a certificate in a form to be from time to time determined by the treasury board, which shall be to such accountant a valid and effectual discharge from so much as he may thereby appear to be discharged from.

Auditor to have access to books of departments

74. In order that all examinations may as far as possible proceed simultaneously with the transactions of the several departments the auditor shall have free access at all times to the books and other documents relating to the accounts of such departments and may require the several departments concerned to furnish him from time to time or at regular period, as may be directed by the treasurer, with accounts of the transactions of such departments respectively up to such times or periods.

Auditor to report improper detention of moneys

75. Every accountant on the termination of his charge as such accountant or, in case of a deceased accountant, his representatives shall forthwith pay over any balances of public money then due to the Crown in respect of such charge to the public officer authorized to receive the same; and in all cases in which it shall appear to the auditor that balances of public money have been improperly and unnecessarily retained by an accountant he shall report the circumstances of such cases to the treasurer, who shall take such measures as to him may seem expedient for the recovery by legal process or by other lawful ways and means of the amount of such balance or balances together with interest upon the whole or on such part of such balance or balances as to the treasurer may appear just and reasonable.

Report to Legislature

76. If the treasurer do not within the time prescribed by this Act present to the Legislative Assembly any report made by the auditor on the appropriation accounts or any other accounts, the auditor shall forthwith present such report.

Monthly statement of revenue and expenditure

77. The auditor shall cause to be prepared for submission to the treasury board at the earliest possible moment after the end of each month a statement of the revenue and expenditure as shown by his books on account of the various services up to the date named.

Repeal

78. All enactments or provisions of law and all orders and regulations made thereunder inconsistent with or repugnant to this Act are hereby repealed.

1906

CHAPTER 6.

An Act respecting the Department of the Attorney General.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Attorney General's Act.*" Short title

ORGANIZATION AND FUNCTIONS OF DEPARTMENT.

2. There shall be a department of the civil service of the province to be called the Department of the Attorney General over which the member of the Executive Council appointed by the Lieutenant Governor under the seal of the province to discharge the functions of the Attorney General for the time being shall preside; and the said Attorney General shall *ex-officio* be His Majesty's Attorney General in and for the province. Organization

3. The duties of the Attorney General shall be as follows: Duties

(a) He shall be the official legal adviser of the Lieutenant Governor and the legal member of the Executive Council;

(b) He shall see that the administration of public affairs is in accordance with law;

(c) He shall have the superintendence of all matters connected with the administration of justice in the province within the powers or jurisdiction of the Legislative Assembly or Government of the province;

(d) He shall advise upon the legislative acts and proceedings of the Legislative Assembly of the province and generally advise the Crown upon all matters of law referred to him by the Crown;

(e) He shall be entrusted with the powers and charged with the duties which belong to the Attorney General and Solicitor General of England by law or usage so far as the same powers and duties are applicable to the province; and also with the powers and duties which by the laws of Canada and of the province to be administered and carried into effect by the Government of the province belong to the office of the Attorney General and Solicitor General;

(f) He shall advise the heads of the several departments of the Government upon all matters of law connected with such departments respectively;

(g) He shall be charged with the settlement of all instruments issued under the seal of the province;

(h) He shall have regulation and conduct of all litigation for or against the Crown or any public department in respect of any subjects within the authority or jurisdiction of the Legislative Assembly;

(i) He shall be charged generally with such duties as may be at any time assigned by law or by the Lieutenant Governor in Council to the Attorney General of the province;

(j) He shall be charged *inter alia* with the conduct of the matters hereinafter set forth, the enumeration of which, however, shall not be taken to restrict the general nature of any provision in this Act contained.

1. The supervision of the administration of the law governing the sale of intoxicating liquors.

2. The supervision of the administration of the law governing titles to real property in the province.

3. Recommending the appointment of and advising sheriffs, registrars, judicial officers, justices of the peace, coroners, notaries public and commissioners for taking affidavits for use in the courts of the province.

4. The consideration of applications for bail and attendance thereon.

5. The consideration and argument of Crown cases reserved.

6. Hearing applications for the granting of fiats regarding petitions of right, criminal informations, indictments, actions to set aside Crown patents, actions to recover fines and penalties, and other actions of a like nature.

7. The consideration of applications for the remission of fines and penalties.

8. The appointment of counsel for the conduct of criminal business.

9. Arranging the sittings of the courts of justice in the province and regulating the work of official court reporters.

10. The supervision of the offices of the courts of law in the province.

11. The examination of papers in connection with the admission and discharge of lunatics to and from asylums.

12. The consideration of matters of a public nature such as proposed legislation.

13. Drawing special conveyances and instruments of a like nature in connection with the sale or purchase of property under *The Public Works Act* or otherwise.

Officers
and clerks

4. The Lieutenant Governor in Council may appoint a Deputy Attorney General and such other officers, clerks, and servants as are required for the proper conduct of the business of the department, all of whom shall hold office during pleasure.

FORMER ACTS LEGALIZED.

Validity of
former acts

5. All acts heretofore done or appointments made in conformity with or to the effect of any of the provisions hereof are declared to have been and to be legal and valid.

Repeal

6. All enactments or provisions of law inconsistent with or repugnant to this Act are hereby repealed.

1906

CHAPTER 7.

An Act respecting the Department of the Provincial Secretary.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Provincial Secretary's Act.*" ^{Short title}

ORGANIZATION AND FUNCTIONS OF DEPARTMENT.

2. There shall be a department of the public service of the ^{Organization} province to be called the Department of the Provincial Secretary over which the member of the Executive Council appointed by the Lieutenant Governor under the seal of the province to discharge the functions of the Provincial Secretary for the time being shall preside.

3. The powers, duties and functions of the Provincial Secretary are as follows:

(a) He has all the powers, duties and functions which are ^{Duties} assigned by law or custom to Provincial Secretaries and Registrars of the different provinces of the Dominion of Canada in so far as they or any of them may be applicable to the province;

(b) He is the keeper of the seal of the province; and shall issue all letters patent, commissions and other documents under the said seal and countersign the same with the exception of those which shall be countersigned by the clerk of the Executive Council; and all commissions under the seal shall run in His Majesty's name;

(c) He is the keeper of all registers and archives of the province.

4. The Provincial Secretary shall be the registrar of the ^{To be registrar} province; and as such shall register all instruments of summons, commissions, letters patent, writs, and other instruments and documents issued under the seal of the province; and his signature shall be proof of the fact that such registers, archives, instruments of summons, commissions, letters patent, writs and other instruments and documents exist and are lawfully in his possession; and any copy signed by him of any document shall be equivalent to the original instrument itself in any court in the province; and every document or copy of a document purporting to bear his signature shall be deemed so to do until proof of the contrary.

Officers
and clerks

5. The Lieutenant Governor in Council may at any time appoint such other officers, clerks and servants as are requisite for the proper conduct of the business of the department, all of whom shall hold office during pleasure.

FEEES.

Fees

6. The Lieutenant Governor in Council may from time to time make a tariff of fees which shall be paid for the issuing and registering of commissions, letters patent, licenses and other instruments and documents and for the delivery of certified copies thereof or of certified extracts from the registers and archives in the Provincial Secretary's department as herein-before mentioned; and the said Provincial Secretary shall account to the Provincial Treasurer for all moneys received by virtue of such tariff or of any of the Ordinances of the North-West Territories or of any Act in force in the province in such manner as may be prescribed by law or by the Lieutenant Governor in Council, as the case may be.

Repeal

7. All enactments and provisions of law inconsistent with or repugnant to this Act are hereby repealed.

1906

CHAPTER 8.

An Act respecting the Department of Agriculture.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Agricultural Department Act.*" Short title

ORGANIZATION, OFFICERS AND FUNCTIONS OF DEPARTMENT.

2. There shall be a department of the public service of the province to be called the Department of Agriculture, over which the member of the Executive Council appointed by the Lieutenant Governor under the seal of the province to discharge the functions of the Minister of Agriculture for the time being shall preside. Organization
Minister of Agriculture

3. All that part of the administration of the Government of the province which relates to agriculture, statistics and the public health, including hospitals, shall be under the control of the department. Province of department

4. The Lieutenant Governor in Council may at any time appoint such other officers, clerks or servants as may be required to carry on the business of the department, all of whom shall hold office during pleasure. Officers and clerks

5. It shall be the duty of the department to institute inquiries and collect facts and statistics relating to agricultural, manufacturing or other interests of the province; and to adopt measures for circulating and disseminating the same in such manner and form as may be found best adapted to promote the progress of the province; and to see to the observance and execution of the provisions contained in all Acts relating to agriculture, statistics and public health. Duties of department

6. A report of the work of the department shall be prepared yearly and laid on the table of the Legislative Assembly within fifteen days after the commencement of the next ensuing session thereof; and it shall be the duty of the department from time to time to issue such reports, circulars, and other publications as the Minister may deem advisable. Annual report

7. All officers of all agricultural societies, municipal councils, villages, local improvement districts, school boards, public institutions, incorporated companies, all public officers of the Persons required to furnish information to department

province and all medical practitioners and veterinary surgeons shall promptly answer all communications from the department; and shall from time to time collect and tabulate facts according to instructions to be furnished them from the department; and shall make diligent efforts to supply correct information on all questions submitted to them; and any such person neglecting or refusing to comply with the aforesaid provisions of this section, when requested to so comply by the Minister, shall be guilty of an offence and on summary conviction thereof before a justice of the peace be liable to a penalty not exceeding \$25.00.

Repeal

8. All enactments and provisions of law inconsistent with or repugnant to this Act are hereby repealed.

1906

CHAPTER 9.

An Act respecting Public Printing.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council may appoint a Appointment of King's Printer Government Printer for the province, and may fix the salary and prescribe the duties appertaining to the office.

2. The Lieutenant Governor in Council may authorize the publication not less than twice in each month of an official Publication of official gazette gazette, to be called "*The Alberta Gazette*," for the publication of proclamations, official and other notices, and of all such matters whatsoever as may be from time to time required.

3. It shall be the duty of the Government Printer, subject Printing and publication of Acts, gazette, etc. to the direction of the Lieutenant Governor in Council, to print and publish, or cause to be printed and published the Acts of the province, *The Alberta Gazette*, and such documents and announcements as may from time to time be required.

4. All advertisements, notices, and documents whatever Publication of advertisements, etc. relating to matters within the control of the Legislative Assembly of the province, and which by any law are required to be published shall be published in the said official gazette unless any other mode of publication is prescribed by law.

5. The Lieutenant Governor in Council shall prescribe the Gazette, conditions and charges for publication and subscription conditions of the publication of the said gazette, and shall designate the public bodies, officers and persons to whom the said gazette shall be sent; and shall make a tariff of charges to be paid for the publication of notices, advertisements and documents to be published in the said gazette and the price of subscription to the said gazette.

6. (*Repealed*—1911-12, c. 12, s. 2.)

7. The Government Printer shall cause to be printed, numbered and bound, if necessary, all blank forms of receipts and Printing blank forms, receipts, etc. licenses, with such counterfoils as may be necessary, to use in collecting or accounting for any portion of revenue, and shall issue the same to the Deputy Provincial Treasurer, who shall enter in a book to be kept for that purpose the numerals of all such receipts and licenses so received by him.

8. All enactments and provisions of law inconsistent with or repugnant to this Act are hereby repealed.

Purchase
of supplies

9. The Government Printer shall procure all stationery and general office supplies, and have all printing and bindery work done which may be required for the use of the Legislative Assembly, or any department of the public service. 1911-12, c. 12, s. 1.

Payment
for supplies

10. The Provincial Treasurer may from time to time upon the requisition of the Government Printer advance out of the general revenue fund such sums of money as may be required to pay for such stationery, office supplies, printing or bindery work:

Provided that the net amount of such advances shall not at any time exceed the sum of twenty thousand dollars (\$20,000.00). 1911-12, c. 12, s. 1.

Distribution
of supplies

11. The Government Printer shall supply any article purchased in the manner provided for in the next preceding section upon requisition therefor by the head of the department having charge of the service in connection with which such stationery, office supplies, printing, or bindery work may be required. 1911-12, c. 12, s. 1.

Charging
cost of
supplies

12. The quantity supplied and the value thereof shall be charged by the Provincial Treasurer to the particular service in connection with which the supplies are required on an account thereof being rendered by the Government Printer, the amount of such charge being at the same time credited to the amount of the advances made by the Provincial Treasurer on the requisition of the Government Printer, as hereinbefore provided. 1911-12, c. 12, s. 1.

Amounts to
be charged
for supplies

13. In computing the value of any article supplied to any department the Government Printer shall take into account the cost of any assistance that may have been given by any person in connection with the handling, storage, transportation or distribution of such article between the times of its being first ordered and finally distributed, the Provincial Treasurer being hereby authorized to advance the cost of such assistance or other expenditure, as though the payment was for the original purchase thereof. 1911-12, c. 12, s. 1.

Statement of
account to be
published
annually

14. The Provincial Treasurer shall publish annually with the public accounts a statement showing the standing at the close of the last fiscal year of the account of such advances, taking cognizance of the value of all supplies on hand at the beginning of the fiscal year, the names of all persons or firms to whom payments have been made for such supplies, with the gross amounts of payments so made, the gross amount charged to each particular service and credited in reimbursement of the advances made, with the value of the supplies on hand at the close of the fiscal year, any profit or loss that may be found to result from the year's operations being shown clearly but neglected in the consideration of the following year's transactions. 1911-12, c. 12, s. 1.

Purchase and
distribution
of supplies
may be
regulated

15. The Lieutenant Governor in Council may from time to time, as required, make regulations to govern the Government Printer in procuring or distributing supplies passing through his office. 1911-12, c. 12, s. 1.

1906

CHAPTER 10.

An Act respecting Public Works.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be known and cited as "*The Public Works Act*." Short title Act.

INTERPRETATION.

2. In this Act unless the context otherwise requires—

1. The expression "department" means the Department of Public Works for the Province of Alberta; Department

2. The expression "Minister" means the Minister of Public Works for the province; Minister

3. The expression "deputy minister" means the deputy minister or the person performing his duties for the time being; Deputy Minister

4. The expression "chief engineer" means the chief engineer of the department or the person performing his duties for the time being; Chief engineer

5. The expression "district surveyor and engineer" means the district surveyor and engineer for any public works district appointed as herein provided or any surveyor or engineer employed from time to time by the Minister to perform any of the duties imposed upon district surveyors and engineers by this Act; District surveyor and engineer

6. The expression "engineer" means such civil engineer or surveyor as is from time to time appointed by the Lieutenant Governor in Council with the approval of a board consisting of the Minister, the deputy minister and the director of surveys; Engineer

7. The expression "public works district" means any portion of the province which may from time to time be set aside as a public works district with a distinctive name; Public works district

8. The expression "surveyor" means a land surveyor duly authorized under the provisions of *The Dominion Lands Act* or any Act to survey lands in the province; Surveyor

9. The expression "road allowance" means any road allowance laid out under the provisions of *The Dominion Lands Act*; Road allowance

10. The expression "public road" means any road surveyed and set aside as a public highway under the provisions of *The North-West Territories Act* or this Act; Public road

11. The expression "ditch" or "drain" means any ditch or drain opened or covered wholly or in part and whether in the channel of a natural stream, creek or watercourse or not, and also the work and material necessary for any culvert, catch basin Ditch or drain

or guards; and any ditch or drain constructed by the department may be called "Government ditch" and distinguished by a number; .

Construction 12. The expression "construction" means the original work of constructing any public work or opening or making any road allowance, road, ditch or drain;

Maintenance 13. The expression "maintenance" means and includes the preservation and keeping in repair of any public work, road allowance, road, ditch or drain;

Public work 14. The expression "public work" means lands, streams, watercourses and property (real and personal) heretofore or hereafter acquired for public works; dams, hydraulic works, and other works for improving the navigation of any stream; dams, slides, piers, booms or other works for facilitating the transmission of logs or timber; dams erected for the storage of water, water powers and works connected therewith, roads, culverts, bridges, ditches, drains, public buildings and wells;

Written or writing 15. The expression "written" or "writing" or terms of like import mean and include words printed, engraved, lithographed or otherwise traced or copied;

Official valuator 16. The expression "official valuator" means the official appointed to that position as herein provided;

Owner 17. The expression "owner" includes any person who by any right, title or estate whatsoever is or is entitled to be in possession of any land;

Outlet 18. The expression "outlet" means any river, creek, water-course or natural drainage channel;

Person 19. The expression "person" includes partnerships and companies;

Ferry or ferries 20. The expression "ferry" or "ferries" means any scow, barge or boat used for the purpose of carrying passengers, freight, vehicles or animals across any river, stream or other body of water and the cable and appliances connected therewith;

License 21. The expression "license" means the license issued to any person to operate a ferry under the provisions of this Act;

Land or lands 22. The expression "land" or "lands," unless a contrary intention appears, includes lands, messuages, tenements and hereditaments, corporeal or incorporeal, of every nature and description, and every estate or interest therein, and whether such estate or interest is legal or equitable, together with all paths, passages, ways, watercourses, liberties, privileges, easements, mines, minerals and quarries appertaining thereto, and all trees and timber thereon and thereunder lying or being;

Supreme Court 23. The expression "Supreme Court" or "Supreme Court of the North-West Territories," means the Supreme Court of the North-West Territories or such other court as may hereafter be constituted exercising within the province the jurisdiction, powers and authority at the date of the passing of this Act exercised therein by the Supreme Court of the North-West Territories.

ORGANIZATION AND DUTIES OF THE DEPARTMENT.

Organization of department 3. There shall be a department of the public service of the Province of Alberta called the Department of Public Works over which the member of the Executive Council appointed by the

Lieutenant Governor under the seal of the province to discharge the functions of the Minister of Public Works for the time being shall preside. Minister of Public works

4. The Minister shall have the administration, management and control of the department and of the general business thereof; and shall oversee and direct the officers, clerks and servants of the department. Administration

5. The Minister shall also have the management, charge and direction of the construction, heating, lighting, furnishing, maintenance and keeping in repair of all government buildings. Government buildings

6. With the approval of the Lieutenant Governor in Council the Minister shall also appoint and control the officers and servants necessary for the proper care and maintenance of the government buildings. Appointment of officials to care for government buildings

7. The Minister shall also have the control and management of the construction and maintenance of all public works; and of the issue of any and all maps and plans needed by the department or by any other department of the Provincial Government; he shall also deal with all questions affecting obstructions to any road allowance or public highway which has been vested in the Provincial Government for public use, including the crossing of such road allowances or public highways by irrigation ditches, canals or other works; and with the providing and maintaining of public or private ferries as herein provided on any river or stream or other body of water in the province; and shall have such other powers and duties as may from time to time be assigned to him by the Lieutenant Governor in Council. Control of public works
Maps and plans
Public highways
Ferries

8. The Lieutenant Governor in Council may appoint an officer who shall be called the deputy minister who shall also be chief engineer and who shall be the deputy or assistant to the Minister. Deputy Minister

9. The deputy minister shall prepare or cause to be prepared maps, plans, specifications and estimates for all public works which are about to be constructed, altered or repaired as directed by the Minister; he shall report for the information of the Minister on any question relating to any public work which is submitted to him; he shall examine, revise and approve the plans, specifications and estimates of other surveyors, engineers, architects, and officers in respect to any public work; and generally he shall advise the Minister on all surveying, engineering and architectural questions affecting any public works; he shall also prepare reports and conduct under the direction of the Minister the correspondence of the department and see that all contracts entered into by the Minister are properly drawn out and executed, that all letters, reports and other documents are properly copied or filed as the case may be and generally do and perform all such acts and things pertaining to the business of the department as he may from time to time be directed by the Minister. Duties of Deputy Minister

VERIFICATION OF ACCOUNTS.

10. The Minister may require any account sent in by any person employed by the department to be verified by oath, affirmation or Accounts may be attached on oath

statutory declaration which, as well as that to be taken by any witness, may be administered or taken by the Minister or by the deputy minister.

Examination
of witnesses

11. The Minister may by notice in writing signed by him require the attendance before him at a time and place to be named in the notice of any person deemed necessary touching any matter upon which his attendance is required; and may by the notice require such person to bring with him all papers, plans, books, documents and things in his possession or under his control bearing in any way upon the matter so before him; and at the time and place appointed by the notice examine the person so notified to be present on oath touching the matter aforesaid.

Compelling
attendance

Remuneration

(2) For the time lost and expenses incurred by any person in obedience to such notice, such person shall be entitled to reasonable remuneration to be paid out of the general revenue fund by the treasurer on the certificate of the Minister.

Penalty for
noncompliance

(3) Any person wilfully neglecting or refusing in any way to comply with the notice of the Minister or to be examined as aforesaid shall be guilty of an offence and liable on summary conviction to a fine of \$25, and on nonpayment of such fine forthwith after conviction to imprisonment for one month.

PUBLIC PROPERTY.

Public works,
etc., to be the
property of
His Majesty
and controlled
by department

12. All lands, streams, watercourses and property (real or personal) heretofore or hereafter required for the use of public works; all dams, hydraulic works and other works for improving the navigation of any water; all slides, dams, piers, booms, and other works for facilitating the transmission of logs or timber; all dams erected for the storage of water; all hydraulic powers, created by the construction of any public work; all roads and bridges; all public buildings; all vessels, dredges, scows, tools, implements, and machinery for the improvement of navigation; all drains and drainage works; all ferries; all wells; and all property heretofore or hereafter acquired, constructed, repaired, maintained or improved at the expense of the North-West Territories and of the province and not under the control of the Dominion Government shall be and remain vested in His Majesty and so far as not under the control of any other department shall be under the control of the Department of Public Works.

Other works
may be
declared public
works

13. The Lieutenant Governor in Council may from time to time declare any other property (real or personal) and any works, roads, bridges, harbours, booms, slides, buildings or other thing specified in the last preceding section and purchased or constructed at the public expense to be public works subject to the provisions of this Act; and they shall thenceforth be vested in His Majesty and under the control of the department.

Maps, etc.,
not private
property may
be required by
department

14. Any person having possession of any maps, plans, specifications, estimates, reports, or other papers, books, drawings, instruments, models, contracts, documents or records relating to any public work who refuses or neglects, upon demand of the Minister or other person authorized to require it, forthwith to deliver the same to the department, shall be guilty of an offence

and liable on summary conviction thereof to a penalty of \$25, and on nonpayment forthwith to imprisonment for one month.

15. Any property (real or personal) when no longer required for the use of any public work, may be sold, leased or otherwise disposed of under the authority of the Minister; and the proceeds of all such sales, leases and dispositions shall be accounted for as public money: Public property may be sold

Provided always that such property shall, whenever practicable, be sold, leased or disposed of by tender or public auction. Proviso

CONTRACTS.

16. The Minister shall have power to enter into any contract with any person or corporation that may be necessary or advisable in carrying out the provisions of any Act of the Legislative Assembly; but no deeds, contracts or writings shall hereafter be deemed to be binding on the department nor shall be held to be the acts of the Minister unless signed by him or by the deputy minister. Minister may enter into contract

17. It shall be the duty of the Minister to invite tenders by public advertisement or by other public notice for the construction and repair of all public works except in cases when from the nature of the work it can be more expeditiously and economically executed by order or commission or by or under the direction of the officers of the department. Tenders to be invited
Exceptions

18. The Minister, when any public work is being carried out by contract and in other cases, may require that security be given to and in the name of His Majesty for the due performance of the work within the amount and time specified for its completion; and in all cases where it seems to the Minister not to be expedient to let such work to the lowest bidder it shall be his duty to report the same and obtain the authority of the Lieutenant Governor in Council previous to passing by such lowest tender; but no sum of money shall be paid to the contractor nor shall any work be commenced on any contract until the contract has been signed by all the parties named therein nor until any security required has been given. Security for performance of contracts
Where contracts not let to lowest bidder

19. All contracts respecting any public works or property (real or personal) under control of the department heretofore or hereafter entered into by the Minister or by any other person duly authorized to enter into the same shall enure to the benefit of His Majesty, and may be enforced as if they had been entered into with His Majesty under the authority of this Act. Contracts to enure to His Majesty

ACTIONS AND SUITS.

20. All actions, suits, and other proceedings for the enforcement of any contract or for the recovery of any damages for any tort or breach of contract or for the trial of any right in respect of any property (real or personal) under the control of the department shall be instituted in the name of His Majesty by the Attorney General. Actions to be instituted by Attorney General

EVIDENCE ON RECORDS, ETC.

Copies of records, etc., when attested to be *prima facie* evidence

21. Copies of any records, documents, plans, books or papers belonging to or deposited in the department attested under the signature of the Minister or of the deputy minister shall be *prima facie* evidence of the same and shall have the same legal effect as the original in any court or elsewhere.

ANNUAL REPORT OF THE DEPARTMENT.

Annual report

22. The Minister shall make and submit to the Lieutenant Governor an annual report on all the works under the control of the department to be laid before the Legislative Assembly within ten days from the commencement of the session next following the end of the year for which such report is made, with such further information as may be requisite to enable the Legislative Assembly to judge of the working of the department.

PUBLIC WORKS DISTRICT.

Public works district

23. The Lieutenant Governor in Council may from time to time set aside any portion of the province as a public works district; and a notice of the order setting aside any district and describing the boundaries of the district shall be published in the official gazette.

District surveyors and engineers

24. The Lieutenant Governor in Council may appoint one or more qualified persons as district surveyors and engineers for any public works district; and may define their duties and fix the remuneration to be paid such district surveyors and engineers.

(2) A notice of such appointment shall be published in the official gazette.

Penalty for obstructing district surveyor

25. Any person who interrupts, hinders or molests any district surveyor and engineer engaged in making any examination, exploration or survey in connection with any work authorized by this Act shall be guilty of an offense and upon summary conviction thereof shall be liable to a penalty not exceeding \$50 or to imprisonment for a term not exceeding two months or to both.

Examination of witnesses

26. Any district surveyor and engineer may by notice in writing signed by him require the attendance before him at a time and place to be named in the notice of any person deemed necessary touching any matter upon which his attendance is required in connection with any public work; and may by the notice require such person to bring with him all papers, plans, books, documents and things in his possession or under his control bearing in any way upon the matter so before him; and at the time and place appointed by the notice examine the person so notified to be present on oath touching the matter aforesaid.

Compelling attendance

Remuneration

(2) For the time lost and expenses incurred by any person in obedience to such notice such person shall be entitled to reasonable remuneration to be paid out of the general revenue fund by the treasurer on the certificate of the Minister.

Penalty for noncompliance

(3) Any person wilfully neglecting or refusing in any way to comply with the notice of the district surveyor and engineer or

to be examined as aforesaid shall be guilty of an offense and liable on summary conviction to a fine of \$25, and on nonpayment of such fine forthwith after conviction to imprisonment for one month.

SURVEYS.

27. The Minister may from time to time cause to be surveyed and marked on the ground, either by a duly qualified surveyor or by an engineer, any old trail which existed as such prior to the subdivision of the land which it crosses into sections or any road allowance diversion, or new road. Surveys of trails, etc.

(2) Such old trails, road allowances, diversions, or new roads shall be laid out not less than one chain (or sixty-six feet) in width; and in making the survey of any old trail the surveyor or engineer may make such changes in the location thereof as he deems necessary without, however, altering its main direction. Location and width

(3) The Minister may from time to time prescribe a manual of instructions for the guidance of surveyors and engineers employed in making any surveys authorized by this Act; and may therein direct the manner in which such surveys shall be marked on the ground and the plans and field notes of the same prepared. Manual of instructions

(4) After such surveys have been made one copy of the plans of the same certified to by a duly authorized surveyor and approved by the chief engineer shall be deposited in the land titles office for the land registration district within which such old trail, road allowance, diversion or new road is situated, and a second copy shall be filed in the department. Registration of places

28. The Minister may close up the whole or any portion of any road allowance or other public road and may deal with the land in any such road allowance or other public road as to him may seem expedient. Closing up roads

(2) All documents necessary to transfer the title to the portion of any road allowance or other public trail which has been closed as herein provided shall be signed by the Minister.

29. The Minister may cause to be made by a duly qualified surveyor or engineer the survey of any area required for any public building, dam, reservoir, ditch, drain or any other public work. Survey for public work

30. The Minister may from time to time cause to be made by any person approved of by him any exploration or investigation needed in connection with the examination of any portion of the province to determine the feasibility and cost of any proposed public work. Exploration for public work

LANDS REQUIRED FOR PUBLIC WORKS.

31. The Minister may by surveyors, engineers, foremen, agents, workmen and servants— Expropriation of lands for public work

1. Enter upon and take possession of any lands in whomsoever vested required for any public work;

Entering lands	2. Enter into and upon any land to whomsoever belonging and survey and take levels of the same and take such borings or sink such trial pits as he deems necessary for any purpose relative to a public work;
Taking possession	3. Enter upon and take possession of any land the appropriation of which is (in his judgment) necessary for the use, construction, maintenance or repair of any public work or for obtaining better access thereto;
Deposit or removal of materials	4. Enter with workmen, carts, carriages, horses and all other necessary implements and animals upon any land and deposit thereon soil, earth, gravel, trees, bushes, logs, poles, brushwood or other material found on the land required for public work or for the purpose of digging up, quarrying and carrying away earth, stones, gravel or other material and cutting down and carrying away trees, bushes, logs, poles and brushwood therefrom for the making, constructing, maintaining or repairing the public work;
Roads	5. Make and use all such temporary roads to and from such timber, stones, clay, gravel, sand or gravel pits as are required by him for the convenient passing to and from the works during their construction and repair;
Drains	6. Enter upon any land for the purpose of making proper drains to carry off the water from the public work or for keeping such drains in repair;
Divert streams or roads	7. Divert or alter (as well temporarily as permanently) the course of any brook, rivulet, road, street or way, or raise or sink the level of the same in order to carry it over or under, on the level of or by the side of the public work as he thinks proper; but before discontinuing or altering any public road another convenient road in lieu thereof shall be substituted; and the land theretofore used for any road or part of a road so discontinued may be transferred by the Minister to, and shall thereafter become the property of, the owner of the land of which it originally formed a part;
Pipes, wires, poles	8. Divert or alter the position of any water pipe, gas pipe, sewer, drain or any telephone or electric light wire or pole.
Removing fences	32. Whenever it is necessary in the building, maintaining or repairing of the public work to take down or remove any wall or fence of any owner or occupier of land or premises adjoining the public work or to construct any back ditch or drain for carrying off water, such wall or fence shall be replaced as soon as the necessity which caused its taking down or removal has ceased; and after the same has been so replaced or when such drain or back ditch is completed the owner or occupier of such land or premises shall maintain such wall or fence, drain or back ditch to the same extent as such owner or occupier might be by law required to do if such wall or fence had never been so taken down or removed or such drain or back ditch had always existed.
Constructing ditches	
Obligation of land owner	
Sidings, conduits or tracks	33. Whenever any gravel, stone, earth, sand or water is taken as aforesaid at a distance from the public work, the Minister may cause to be laid down the necessary sidings, water pipes, or conduits or tracks over or through any land intervening between the public work and the land on which such material or water is found whatever the distance is; and all the provisions of this Act shall apply and may be used and exercised to obtain the right-of-way from the
Right-of-way	

public work to the land on which such materials are situate; and such right may be acquired for a term of years or permanently as the Minister thinks proper; and the powers in this section contained may at all times be exercised and used in all respects after the public work is constructed for the purpose of repairing and maintaining the same.

34. Lands taken for any public work shall be surveyed and marked on the ground by a duly qualified surveyor or engineer who shall prepare a proper plan of the same, but nothing herein contained shall be taken to require such plan to be prepared before or at the time of the entry or taking possession of such lands as in the last preceding section provided for. ^{Survey and plan}

(2) Every person who interrupts, hinders or molests any person while engaged under authority of the Minister in removing any obstruction, making an examination for or in constructing, maintaining or repairing any public work or any works connected therewith on any land shall be guilty of an offense and upon summary conviction thereof liable to a penalty not exceeding \$50.00 and costs or to imprisonment for a period not exceeding thirty days or to both.

35. The plans of any lands required for any public work shall be examined and approved by the chief engineer; and one copy thereof shall thereupon be filed in the department. ^{Plan to be approved by chief engineer}

(2) When any plan is required to be examined or approved by the department or any of its officers, a fee of \$25.00 may be charged therefor, which shall form a part of the general revenue fund of the province. 1913 (2nd Session), c. 2, s. 7.

36. The Minister may thereupon apply *ex parte* to a judge of the Supreme Court for an order vesting in His Majesty every estate and interest in the lands shown on the plan in the next preceding section mentioned; and the judge shall upon the production to him of a copy of the said plan certified by the Minister or chief engineer and a certificate of the Minister stating that the said lands are required for the purposes of this Act, make the said order, which shall have the effect of divesting all persons other than His Majesty of any interest in the said land. ^{Application to judge for vesting order}

37. Upon the filing in the department of the plan of any land taken for any public work as hereinbefore provided the Minister shall except in cases hereafter provided for cause to be served by registered mail upon all persons shown by the records of the land titles office to be interested in the lands so taken a notice setting forth the compensation which he is ready to pay for the lands so taken; and a copy of sections 37 to 39 both inclusive of this Act shall be sent along with such notice: ^{Notice of compensation}

Provided that when compensation is claimed by two or more persons who are unable to agree as to a division thereof the Minister may pay the same to the clerk of the Supreme Court nearest to the land affected to be paid out to the parties interested in such proportions as may be ordered by a judge of the Supreme Court on application therefor.

38. If any person entitled to compensation for lands taken for any public work is dissatisfied with the amount offered therefor as ^{Claim for increased compensation}

herein provided he shall within two months from the date of the mailing of the notice provided in the next preceding section notify the Minister in writing of such dissatisfaction and shall in such notice state the amount he claims as compensation for the lands so taken, together with a full statement of the facts in support of his claim and in the event of no such claim for increased compensation being received by the Minister within the said period the person entitled to compensation shall be deemed to be satisfied with and shall be bound to accept the amount of compensation mentioned in the notice referred to in the next preceding section hereof.

Compensation
fixed by
arbitration
in case of
disagreement

39. The Minister shall consider such claim for increased compensation and shall notify the claimant of his decision in respect thereto by registered letter addressed to the claimant's last known place of abode.

(2) Such claimant if dissatisfied with the decision of the Minister may within sixty days after being notified as aforesaid of such decision, give notice in writing to the Minister which may be by registered letter that he will submit the claim to arbitration and the said claim shall thereupon be submitted to arbitration and such arbitration shall be to two arbitrators, one to be appointed by the claimant and one by the Minister of Public Works, and shall otherwise be governed by the provisions of *The Arbitration Ordinance* of the North-West Territories. 1907, c. 5, s. 4.

(3) If the claimant does not so notify the Minister and make the deposit as in the next following subsection required within the said period of sixty days from the registration of the notice mentioned in the first subsection he shall be deemed to have accepted the Minister's decision and shall not thereafter be at liberty to question it.

(4) The claimant shall with the notice of submission to arbitration deposit with the Minister as security for the costs of the arbitration a sum equal to ten per cent. of the amount claimed by him but not in any event less than \$25: Provided, however, that in place of a money deposit the claimant shall be entitled to deposit a bond with two sureties satisfactory to the Minister but in double the amount of such money deposit.

(5) Subject to the provisions of subsection 7 hereof all costs and expenses of the arbitration shall be in the discretion of the arbitrators; and in the event of costs being awarded against the claimant the Minister shall be entitled to deduct his costs and expenses of the arbitration out of the moneys deposited by the claimant and the surplus, if any, shall be returned to the claimant.

(6) In the event of the claimant not being required to pay the Minister's costs of the arbitration the full amount deposited by him shall be returned to him or the bond delivered up to be cancelled.

(7) The only costs allowable upon any arbitration under this section shall be arbitrators' and witness fees.

(8) In estimating the amount to which the claimant is entitled the arbitrators shall consider, and find separately as to, the value of the land taken and of all improvements thereon, the damage, if any, to the remaining property of the claimant and the original cost only of any extra fencing which may be necessary by reason of the taking of the land and if the value of the remaining property

of the claimant is increased by reason of the construction of the public work through his property the increase of value shall be deducted from the amount so estimated and found and the balance, if any, shall be the amount awarded to the claimant.

DIRECTOR OF SURVEYS.

40. The Lieutenant Governor in Council may appoint a duly qualified Dominion lands surveyor to be director of surveys for the province, and may define the duties of such officer and fix the remuneration to be paid to him for his services. ^{Director of surveys}

OFFICIAL VALUATORS.

41. The Lieutenant Governor in Council may appoint one or more competent persons as official valuers and may define the duties of such officers and fix the remuneration to be paid them for their services. ^{Official valuers}

42. The Minister may employ any official valuator to inspect and report regarding the value of any lands taken for public works, and may empower such valuator to make an offer of compensation in writing to the owner of the lands so taken and such offer shall have the same force and effect as if made by the Minister under the provisions of section 37 of this Act. ^{Inspection and report}

43. If any resistance or opposition is made by any person to the taking by the Minister or any person authorized by him of lands for public works as provided by this Act a judge of the Supreme Court of the North-West Territories may on proof of the proper taking of such lands as herein provided issue his warrant to the sheriff of the judicial district within which such lands are situated, directing him to put down such resistance or opposition and to put the Minister or some person acting for him in possession of such lands; and the sheriff shall take with him sufficient assistance for such purpose and shall put down such resistance or opposition and shall put the Minister or the person acting for him in possession thereof; and shall forthwith make a return to the clerk of the judicial district in which the land is situated of such warrant and of the manner in which he executed the same. ^{Suppression of resistance to Minister}

44. The provisions of sections 31 to 43 inclusive of this Act in so far as they are applicable shall apply to all cases of the taking of lands for public works, proceedings for which have been begun before the coming into force of this Act but have not been completed by the transfer of such lands to His Majesty. ^{Provisions of sections 31 to 43 retroactive}

45. The Minister shall have the administration and management of all lands taken for public works as herein provided and of all other lands the property of the province; and such lands may be disposed of from time to time under regulations to be prescribed by the Lieutenant Governor in Council. ^{Administration and disposal of public lands}

(2) The said lands when required to be leased or transferred may be so leased or transferred under the hand and official seal of the Minister.

PUBLIC FERRIES.

Public ferries

46. The Minister may when he deems it expedient to do so establish and maintain a public ferry or ferries on any river, stream or other body of water in the province; and may operate such ferry or ferries as a public work, collecting such tolls as he may fix and determine.

PRIVATE FERRIES.

License for private ferry

47. The Minister may from time to time issue an annual license to any person or persons for the establishment and operation of a private ferry or ferries on any river, stream or other body of water in the province granting the exclusive right to maintain and operate the said ferry or ferries within the limits specified in such license and upon such terms as he may deem fit.

License to specify tolls, etc.

48. Every ferry license granted shall specify the maximum rate of tolls which may be charged on such ferry, the kind and size of the scow, barge or boat to be used in such ferrying, the limits of the river, stream or other body of water within which such ferry is to be operated and the hours during which such ferries shall be operated.

License to be posted up

49. Every person holding a license for a ferry shall keep it posted up at all times in a conspicuous place on such ferry.

No tolls to be charged school children

50. Notwithstanding anything contained in this Act no toll shall be charged for children going to or returning from school and in no case shall His Majesty's mail be obstructed or a higher rate be charged for the conveyance thereof than the rates that may be charged according to the terms of the license between the hours of six o'clock in the morning and nine o'clock in the evening.

Mails not to be obstructed

Punishment of persons refusing to pay tolls

51. If any person using an authorized ferry refuses to pay the authorized toll or rates chargeable for ferrying him or his property the licensee of such ferry may forthwith seize any property in possession of the offender then being ferried and hold the same; and such person shall be guilty of an offense and upon summary conviction thereof shall be liable to a penalty not exceeding \$50, and in default of payment thereof to imprisonment for a period not exceeding two months; and the property so seized may on such default be sold by order of the justice or justices trying the complaint to satisfy such fine, toll and costs of the prosecution.

Approaches to be kept in order

52. The immediate approaches to every ferry shall be kept in such order and condition by the licensee as is necessary to make the ferry accessible at all times for loaded vehicles and animals attached thereto without danger or injury.

Ferry not to injure ford

53. A ferry on any stream, river or other body of water that may be fordable at any time shall not be used to block up or injure such ford or fords or the landing therefrom; nor shall the licensee do any act which will make the ford on any such stream, river or other body of water more difficult or dangerous than it would otherwise have been.

54. Any person unlawfully interfering with the rights of any licensed ferryman by taking, carrying or conveying within the limits of any such ferry license across the stream, river or other body of water on which the same is situate any person or personal property or any vehicle or animal in any scow, barge or boat or any raft or other contrivance for hire or reward or hindering or interfering with such licensee in any way shall be guilty of an offence and upon summary conviction thereof shall be liable to a penalty not exceeding \$100 for each such offence and in default of payment thereof to imprisonment for any period not exceeding three months.

Punishment for interference with rights of licensed ferryman

PROVISION FOR LOW WATER.

55. In case the water in any stream, river or other body of water in respect of which the license for the operation of a ferry has been issued, becomes too shallow to permit of such ferry being operated the licensee shall provide and keep a small boat or canoe with which he shall transfer foot passengers and their baggage across such stream, river or other body of water; and for such service the licensee shall be allowed to charge the fees prescribed in his license for like services by means of the ferry.

Licensee to provide small boat or canoe

INSPECTION OF FERRIES.

56. The Minister may from time to time appoint such person as he may see fit to inspect and report on the condition of any ferry or with reference to the complaint of any person using or desiring to use such ferry; and if at any time the person or persons holding a ferry license fail to comply with the written instructions of the Minister he or they shall forfeit his or their license or licenses under the direction of the Minister.

Inspection of ferries

PENALTIES FOR OFFENCES BY LICENSEES.

57. Any licensee violating any of the terms or conditions of his license or of this Act shall be guilty of an offence and be liable on summary conviction thereof to a penalty not exceeding \$50, and in default of payment thereof to imprisonment for any period not exceeding one month unless the fine and costs are sooner paid; and shall be further liable to forfeit his license under the direction of the Minister.

Penalty for violating terms of license or Act

58. All money received for ferry licenses, fees or bonuses under this Act shall be deposited to the credit of the general revenue fund of the province.

Fees to be paid to general revenue fund

59. Any person operating a private ferry for hire or reward without having first obtained a license therefor as provided by this Act shall be guilty of an offence and upon summary conviction thereof shall be liable to a fine of \$10 for each and every day that such ferry is operated without such license.

Penalty for unlicensed ferry

PROTECTION OF PUBLIC WORKS.

60. Any person who obstructs or interferes in any manner with any road allowance or other surveyed highway vested in His

Penalty for obstructing public highway

Majesty as herein provided shall be guilty of an offence and upon summary conviction thereof shall be liable to a fine not exceeding \$50 or imprisonment for thirty days or both.

Penalty for
injuring
public work

61. Any person who carelessly or wilfully breaks, cuts, fills up or otherwise injures any public work shall be guilty of an offence and upon summary conviction thereof be fined a sum not exceeding \$100 and costs and in default of payment after conviction may be imprisoned for a period not exceeding sixty days; and the justice of the peace may further order the offender to forthwith repair any such damage or remove any obstruction as aforesaid.

Traffic on
bridges

(2) Any person who rides or drives any horse, mule or horned cattle upon or across any bridge the property of His Majesty at a pace faster than a walk shall be guilty of an offence and shall be liable upon summary conviction thereof to a penalty not exceeding \$25.

Obstructing
bridges

(3) Any person who wilfully, and without lawful excuse, places any obstruction on any bridge the property of His Majesty or who in any way prevents, hinders or causes delay to any person desiring to travel across such bridge shall be guilty of an offence and shall be liable upon summary conviction thereof to a penalty not exceeding \$50.

Penalty for
injury to
bridges and
culverts by
portable
engines

(4) Every person who uses any bridge or culvert the property of His Majesty in connection with the movement of any portable engine or any traction engine shall provide sufficient plank or timbers of not less than three inches in thickness and ten inches in width, twelve feet or over in length to be laid longitudinally upon the floor of such bridge or culvert under the wheels of such portable engine or traction engine; and any person neglecting or refusing to provide and use such planks shall be guilty of an offence and liable upon summary conviction thereof to a penalty not exceeding \$50. 1911-12, c. 4, s. 13.

GENERAL.

Registration
of plan to vest
street, etc.,
in Crown

62. The registration in the land titles office of the plan of the subdivision into lots or blocks of any land not within the limits of an incorporated city or town shall vest the title to all streets, lanes, parks or other reserves for public purposes shown on such plan in His Majesty; and no change or alteration in the boundaries of any such street, lane, park or public reserve shall be made without the consent of the Minister having been first obtained.

Definition
of public
highway

(2) All road allowances in townships now or hereafter surveyed and subdivided and all road allowances set out on block lines now or hereafter surveyed, and all public travelled roads or trails, and also all road and road allowance diversions heretofore or hereafter laid out by virtue of any Statute either of the province or of the Dominion of Canada, or by virtue of any Ordinance of the North-West Territories, in the province, and all roads therein whereon public money has been expended for opening or repairing the same, or any roads therein passing through Indian lands shall be common and public highways unless where such roads have been closed or already altered or may hereafter be closed or altered according to law and except as by law otherwise provided the soil and freehold of every such highway shall be vested in the Crown in the right of the province. 1909 (part I), c. 4, s. 7.

63. If any one or more persons petition the Minister for the opening of a road through any land and the Minister is of the opinion that such road may be reasonably opened for the convenience and benefit of such person or persons as aforesaid, but that such road is not required in the interest of the public generally, the Minister may require the said person or persons to deposit with the Provincial Treasurer such sum as he considers sufficient to cover the cost of opening the road and paying compensation in connection therewith and if the said road or any road which in the opinion of the Minister will be of equal or nearly equal convenience and benefit to such person or persons as aforesaid is thereafter opened the sum so deposited or so much thereof as may be necessary may be applied towards paying the expenses of opening the road and paying compensation in connection therewith and any balance which remains shall be repaid to such person or persons as aforesaid.

Opening of
road on
petition and
payment of
expenses

64. The Lieutenant Governor in Council may from time to time make such regulations and prescribe such forms as may be deemed necessary for the proper carrying into effect of the provisions of this Act.

Lieutenant
Governor to
prescribe forms

64a. The Minister may from time to time make such regulations as he may deem proper in regard to any plan of subdivision of any land which it is proposed to register under the provisions of section 124 of *The Land Titles Act*, being chapter 24 of the Statutes of Alberta, 1906, or any Act passed in amendment or substitution thereof; and may from time to time impose and collect such fees or charges upon and from any person proposing to register any such plan and may make such reservations from the area of any land included in any such plan for school or other public purpose, as he may deem proper. 1911-12, c. 4, s. 13.

Minister given
power to make
regulations,
etc.

65. All enactments and provisions of law inconsistent with or repugnant to this Act are hereby repealed.

Repeal

REGULATIONS IN REGARD TO SUBDIVISION OF LAND.

(Under Authority of Section 64a of The Public Works Act.)

Inserted for convenience only. Subject to change by Minister of Public Works at any time.

1. Before the owner of any land may present to the registrar of any Land Titles Office any plan of subdivision thereof, for registration under section 124 of *The Land Titles Act* he shall submit a plan of same in duplicate for approval of the Minister of Public Works. Such preliminary plan shall show the location of the land to be subdivided; the location and dimensions of all streets, lanes, roadways, lots, blocks and other proposed subdivisions, the connection with streets of adjoining registered subdivisions, all lakes, streams, creeks or other bodies of water and all natural water courses, ravines and coulees and sufficient contour lines to indicate clearly the topographical features of the land to be subdivided and of the immediately adjoining land when the same is property of the owner of the land to be subdivided. Every such plan shall be accompanied by a fee of Fifty Dollars (\$50.00).

2. Such preliminary plan shall show the location and dimensions of the boundaries of the quarter section or registered parcel containing the land to be subdivided, and shall give sufficient information to show clearly how such lines have been established by the surveyor.

3. Such plan shall also give the number of lots or separate parcels in the proposed subdivision which it is intended shall be registered and must be signed by the registered owner of the land and bear the following certificate signed by an Alberta Land Surveyor: "I hereby certify that this plan has been prepared from actual survey on the ground and is correct."

4. Before approving and certifying any plan the Minister shall satisfy himself that the land proposed to be subdivided is reasonably accessible and that any surface water which may accumulate thereon may be drained therefrom at a reasonable cost.

5. Should it appear that the whole or any part of the land proposed to be subdivided should not in the public interest be subdivided or offered for sale to the public, the Minister shall notify the owner of the land as to what portions of the proposed subdivision he is prepared to approve, and set forth the conditions as to accessibility and drainage under which he will approve of the remainder of the subdivision.

6. Where the land proposed to be subdivided is in or near any corporate city or town the Minister may require the owner to secure the approval of the council of such city or town or someone deputed by them to give such approval.

7. When the land proposed to be subdivided is adjacent to any body of water a road shall be provided along the shore of such body of water.

8. No street shall be laid out less than sixty-six feet in width, but streets of greater width shall be provided if required by the Minister.

9. No lane shall be laid out less than twenty feet in width.

10. Access shall be provided by lane to the rear of every lot having a frontage of sixty-five feet or less.

11. The distance between parallel streets or streets having the same general direction shall not exceed six hundred and sixty feet.

12. When the parcel of land to be subdivided adjoins property that has been previously subdivided, at least every alternate street as laid out in the previous subdivision shall be produced through in the proposed subdivision; provided however that where the parcel of land to be subdivided lies between two parcels previously subdivided, this provision shall be so modified that a sufficient number of streets in either or both of the adjoining subdivisions shall be produced through the proposed subdivision, and the Minister shall determine what streets in either or both of the previous subdivisions shall be so produced.

13. No strip of land shall be left unsubdivided between any subdivision and the adjacent lands owned by any other person, the leaving of which strip is obviously intended to debar the owner of such adjacent lands from having access to the streets and lanes of the subdivision.

14. Every subdivision shall be connected by a suitable street or streets with each of the roads allowances which bound the section of which the subdivision forms a part. The Department may, provided compensation is guaranteed, exercise its powers of expropriation, where the land required for such purposes cannot be purchased at a reasonable price by the owner of the townsite.

15. In acreage subdivisions the size and shape of the separate parcels of land shall be made suitable for a plan of further subdivision in accordance with these regulations and when adjacent to a previous subdivision the boundary lines between the parcels shall be so placed as to become the centre line of streets produced from the previous subdivision.

16. All surveys must be staked on the ground to the satisfaction of the director of surveys before the registration plans will be approved.

17. All plans of subdivision presented for approval shall be on a scale of two hundred feet to one inch.

18. The Minister may, prior to the registration of any subdivision plan, order such changes thereon as may be deemed necessary in the public interest.

19. Every plan shall show a parcel or parcels of land, the location of which is satisfactory to the Minister of Public Works, containing at least 5 per cent. of the total area being registered, but not in any case less than 2 acres, to be reserved for such public purpose or purposes as the Minister may from time to time determine; Provided that where later additions to the said townsite are made by the same owners, the area to be conveyed for public purposes shall be determined by considering the first plan and the additions as a whole.

Such parcel or parcels shall on the plan in addition to the regular designation by lot or block number, be marked "Reserved for Public Works Department." (1914, 19th May.)

20. Where the area of a subdivision is less than forty acres and comprises the entire holding of the owner the Minister may, in his discretion, accept such percentage of the total area being subdivided as may to him seem just.

21. The Minister may decline to approve a plan where in his opinion the name conflicts with the name of any existing subdivision or is in his opinion misleading to the public.

22. The Minister may authorize the registration of any plan notwithstanding that the same does not conform with these regulations when in his opinion special and peculiar circumstances exist.

23. When the proposed system of subdivision is found to be satisfactory the owner shall, prior to the certifying of the plan as approved by the Minister, pay to the Department of Public Works a fee of One Dollar and Fifty Cents for each lot or separate parcel into which the land is proposed to be subdivided as shown on the plan.

24. The Minister may, in approving any plan for registration limit the time for which such approval holds good and within which the plan must be registered.

25. Before approving any proposed plan of subdivision the Minister may require satisfactory evidence to be furnished that all taxes due on the property have been paid. (7th Nov., 1914).

*Made and passed 28th day of November, 1913,
to take effect on, from, and after the First
Day of January, 1914, and amended on
the 19th day of May, 1914, and the 7th
day of November, 1914.*

1906

CHAPTER 11.

An Act to amend Chapter 24 of the Ordinances of the North-West Territories, 1903 (2nd Session), intituled "An Ordinance respecting Local Improvement Districts."

(Repealed 1907, c. 11, s. 105.)

1906

CHAPTER 12.

An Act to amend Chapter 25 of the Ordinances of the North-West Territories, 1901, intituled "An Ordinance respecting Villages."

(Repealed 1907, c. 10, s. 80.)

1906

CHAPTER 13.

An Act respecting Police Magistrates and Justices of the Peace.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

POLICE MAGISTRATES.

Lieutenant Governor may appoint police magistrates

1. The Lieutenant Governor in Council may appoint one or more police magistrates for the province and may define the territorial limits of their separate and respective jurisdictions, and he may at any time remove, supersede or dispense with any or all of such officers, and re-appoint other or others in his or their stead at pleasure. 1908, c. 20, s. 10.

Jurisdiction

(2) Every police magistrate appointed under the provisions of this Act shall have and exercise within the limits of his territorial jurisdiction all the powers and authority now or hereafter vested in two justices of the peace sitting and acting together under any law in force in Alberta. 1908, c. 20, s. 10.

(3) *Repealed*—1909, c. 4, s. 8.

Police magistrates not to act as agents, etc., in criminal matters

(4) No police magistrate and no partner or clerk of any police magistrate shall act as agent, solicitor, or counsel in any cause, matter, prosecution or proceeding of a criminal nature; nor shall such police magistrate, partner or clerk act as aforesaid in any case which by law may be investigated or tried before a police magistrate or justice of the peace. 1908, c. 20, s. 10.

Police magistrates *ex officio* justices of the peace

(5) Every police magistrate shall *ex officio* be a justice of the peace for the province. 1908, c. 20, s. 10.

(6) The Lieutenant Governor in Council may fix the salary to be paid to police magistrates appointed under this Act and may from time to time vary or alter the same. 1908, c. 20, s. 10.

Fees of police magistrates

(7) Every police magistrate appointed under this Act shall be entitled to receive the same fees and emoluments as are paid to justices of the peace. 1908, c. 20, s. 10.

Liability of police magistrates and justices of the peace after resignation or revocation of appointment

(8) Notwithstanding the resignation or revocation of the appointment of any police magistrate or justice of the peace he shall remain liable to transmit all fines and make all returns that he was liable to transmit or make at the time of such resignation or revocation, and shall be subject to all penalties on failure to transmit such fines or make such returns as if he had continued such police magistrate or justice of the peace. 1908, c. 20, s. 10.

Appointment of justices

2. The Lieutenant Governor in Council may appoint justices of the peace for the province who shall have jurisdiction as such throughout the same.

3. Whenever a new commission of the peace shall be issued ^{Commission of the peace} all and such like former commissions shall become absolutely revoked and cancelled; and nothing in this Act contained shall prevent the reappointment of any justice of the peace named in such former commission if the Lieutenant Governor in Council shall think fit.

4. No person who is not a British subject by birth or ^{Alien not to be appointed} naturalization shall be appointed as justice of the peace.

5. When not otherwise especially provided for by law no ^{No practising advocate to be justice} advocate shall be appointed or act as a justice of the peace during the time he continues to practise as such.

(2) The provisions of this section shall not apply to any advocate ^{Proviso} appointed as a police magistrate.

6. Every police magistrate or justice of the peace before he ^{Oath of office and allegiance} is gazetted as such and takes upon himself to act as such shall take and subscribe the oath of allegiance and the following oath before any person authorized to administer oaths and declarations in the province, that is to say:

I, *A.B.*, of in the Province of ^{Form of oath} Alberta, do swear that I will well and truly serve our Sovereign Lord (*here insert the name of the reigning sovereign*) in the office of police magistrate or justice of the peace and that I will do right to all manner of people after the laws and usages of this province without fear or favour, affection or ill will. So help me God. 1911-12, c. 4, s. 14.

7. Every oath of office or allegiance taken by a police magis- ^{Record of oath} trate or a justice of the peace shall forthwith after the same is taken be transmitted or delivered by the police magistrate or justice of the peace to the clerk of the Executive Council and shall be filed in his office.

PROCEDURE.

8. Except it is otherwise specially provided all the provisions ^{Part XVI of the Criminal Code to apply to proceedings} of part XV of chapter 146 of the Revised Statutes of Canada, 1906, being an Act of the Parliament of Canada known as *The Criminal Code*, and the Acts already passed or which may be hereafter passed amending the same shall apply to all proceedings before police magistrates and justices of the peace under or by virtue of any law in force in the province or municipal by-laws and to appeals from convictions or orders made therein. 1915, c. 2, s. 12.

PRIORITY OF JURISDICTION.

9. Every complaint and information shall be heard, tried, ^{Jurisdiction of one or more justices} determined and adjudged by a police magistrate, one justice or two or more justices as directed by the Act, Ordinance or law upon which the complaint or information is framed or by any other Act, Ordinance or law in that behalf.

(2) If there is no such direction in any Act, Ordinance or law then the complaint or information may be heard, tried, determined and adjudged by any one justice.

(3) Any one justice may receive the information or complaint and grant a summons or warrant thereon and issue his summons or warrant to compel the attendance of any witnesses for either party and do all other acts and matters necessary preliminary to the hearing even if by the Act or Ordinance in that behalf it is provided that the information or complaint shall be heard and determined by two or more justices.

(4) After a case has been heard and determined one justice may issue all warrants of distress or commitment thereon.

(5) It shall not be necessary for the police magistrate or justice who acts before or after the hearing to be the police magistrate or justice or one of the justices by whom the case is to be or was heard and determined.

(6) If it is required by any Act, Ordinance or law that an information or complaint shall be heard and determined by two or more justices or that a conviction or order shall be made by two or more justices, such justices shall be present and act together during the whole of the hearing and determination of the case.

Jurisdiction in
first justice

9a. Jurisdiction in any particular case shall exclusively attach in the first justice of the peace or where more than one justice is required the first justices to the required number duly authorized who has or have possession and cognizance of the fact:

Proviso

Provided that at the request of any such justice or at the unanimous request of any such justices where more than one justice is required any other justice or justices may take part in any case. 1907, c. 5, s. 9.

RETURNS.

Returns and
transmissions

10. Every police magistrate or justice of the peace who receives the amount of any fine, penalty, forfeiture or other sum of money which is payable to the Government of the province shall forthwith after he has received the same transmit the amount to the Attorney General with a statement as in form A in the schedule to this Act.

(2) Every police magistrate or justice of the peace by or before whom, whether alone or with one or more other justice or justices, any matter of any nature whatsoever is commenced, tried, heard, revised or adjudicated upon shall in the months of January and July in each year and before the fifteenth day thereof make a return in writing signed by him to the Attorney General showing the result, disposition of or action taken upon or in regard to any such matter so dealt with theretofore which has not been included in some previous return made by such magistrate or justice to the Attorney General.

(3) Such return shall be in form B in the schedule to this Act and shall truly set forth the information indicated as required by the headings in the different columns in said form.

(4) In case no proceedings whatever have been had or taken before any police magistrate or justice he shall make a return so stating.

Returns as
to costs
when case
is dismissed

(5) Every police magistrate or justice of the peace by or before whom, whether alone or with one or more other justice or justices, any matter is tried, which such police magistrate, justice or justices

have jurisdiction to try summarily, who dismisses such information or complaint and orders the informant or complainant to pay costs in connection therewith, shall forthwith transmit to the Attorney General a statement in form C in the schedule to this Act. 1908, c. 20, s. 10.

11. Any police magistrate, justice or justices of the peace whose duty it is to make returns or transmit fines, penalties, forfeitures or other moneys as aforesaid, who refuses or neglects to make such returns or transmit such amounts in the manner and at the time above provided may be required by a written notice from the Attorney General (which notice may be forwarded to the usual or last known post office address of the said police magistrate, justice or justices by post prepaid and registered or delivered to the said police magistrate, justice or justices in person) requiring such police magistrate, justice or justices forthwith to make such returns or transmit such amounts as aforesaid; and after the expiration of thirty days from the posting or delivery of such notice should the said police magistrate, justice or justices still refuse or neglect to make such returns or transmit such amounts as aforesaid then the Attorney General shall report such refusal, neglect or omission to the Provincial Secretary who shall cause the names of the police magistrate, justice or justices so making default to be published in the official gazette of the province during two successive issues thereof with a notice stating that in default of the police magistrate, justice or justices therein named making such returns or transmissions within thirty days from the first publication of such notice the name of such justice or justices so making default shall be erased from the commission of the peace, and the appointment of such police magistrate shall be cancelled; and the Provincial Secretary shall on the expiration of thirty days from the date of the first publication in *The Alberta Gazette*, erase from the commission of the peace the name of every justice of the peace still in default and at the expiration of the said period the appointment of such police magistrate shall *ipso facto* be cancelled; and upon such erasure and cancellation such justice or justices of the peace or police magistrate shall be and become deprived of all power and authority and jurisdiction and shall not thereafter be eligible for reappointment.

12. The penalties in this Act provided for omission to make returns shall be in addition to all other fines, penalties or punishment provided therefor by any other Act, Ordinance or law in force in the province.

13. In case the police magistrate, justice or justices before whom any such conviction takes place or who receives or receive any such money neglects or refuses, neglect or refuse to make such return thereof or in case any such magistrate, justice or justices wilfully makes or make a false, partial or incorrect return every such magistrate or justice so neglecting or refusing or wilfully making such false, partial or incorrect return shall forfeit and pay the sum of \$100 together with full costs of suit to be recovered by the Attorney General on behalf of His Majesty before the Supreme Court of the North-West Territories, or any court hereafter constituted exercising within the province the

jurisdiction, powers and authority at the date of the passing of this Act exercised therein by the Supreme Court of the North-West Territories, as a debt, the same when recovered to form part of the general revenue fund of the province.

Appointments
heretofore
made valid

14. All appointments heretofore made by the Lieutenant Governor or by the Lieutenant Governor in Council of persons as justices of the peace are hereby declared to be valid.

15. The term of office of Philip Carteret Hill Primrose, police magistrate in and for the City of Edmonton, and of Gilbert E. Sanders, police magistrate in and for the City of Calgary, shall be ten years from the first day of January, 1915, unless such office be sooner vacated by death or resignation; provided, however, that they or either of them shall be removable by the Lieutenant Governor on address of the Legislative Assembly. 1915, c. 2, s. 12.

SCHEDULE.

FORM A.

The Attorney General,
Alberta.

Sir,—

I inclose herewith the sum of \$. being the amount of the penalty collected on the day of 1 . . . from of imposed by at on the day of 1 . . . on conviction for contrary to the provisions of section of

Your obedient servant,
P.M. or J.P.

I also certify that costs to the amount of \$. were imposed upon the defendant as follows: 1908, c. 20, s. 10.

FORM B.

RETURN BY POLICE MAGISTRATE OR JUSTICE OF THE PEACE.

I, the undersigned, one of His Majesty's Police Magistrates, or Justices of the Peace in and for the Province of Alberta, do certify the following to be a true and correct return of all proceedings heretofore had in which I took part as such police magistrate or justice and not included in some previous return made by me to the Attorney General of the Province.

Name of prosecutor or informant	Name of accused or respondent	Nature of charge or matter	Act, Ordinance or By-Law proceeded on	Date of hearing	Adjudication and sentence if any	Amount of costs imposed	Date of payment of penalty and costs, and to whom	Remarks giving subsequent action, if any

Dated at 1
P.M. or J.P.

FORM C.

The Attorney General,
Alberta.

Sir,—

I hereby certify that on the day of
I, tried an information or complaint, laid by
against for contravention of section
of and that such information or complaint was dismissed
with costs payable by the informant or complainant to the amount of \$
as follows:

1908, c. 20, s. 10.

Your obedient servant,
P.M. or J.P.

1906

CHAPTER 14.

An Act respecting Commissioners to Administer Oaths.

(Repealed and substituted 1913 (2nd Session), c. 11.)

1906

CHAPTER 15.

An Act respecting Coroners.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Short title

1. This Act may be cited as "*The Coroners Act.*"

Appointment

2. The Lieutenant Governor in Council may, wherever he thinks fit, appoint under the Great Seal one or more coroners in and for the Province of Alberta.

(2) In cities of more than fifteen thousand inhabitants the Lieutenant Governor in Council may appoint a coroner to be called the chief coroner, whose fees, powers and duties may be defined and set forth by order in council. 1913 (2nd Session), c. 2, s. 8.

(3) The Lieutenant Governor in Council may define the powers and duties of all coroners now or hereafter appointed in cities of more than fifteen thousand inhabitants. 1913 (2nd Session), c. 2, s. 8.

Who are
entitled to act
as coroners

3. All appointments of persons as coroners heretofore made by the Lieutenant Governor are hereby declared to be valid; and all coroners appointed for the North-West Territories and who at the date of the passing of this Act are resident in the province and whose appointments have not been revoked shall be entitled to act as coroners in the province during the pleasure of the Lieutenant Governor.

Only persons
herein provided
for may act as
coroners

4. Save as herein provided no person shall be entitled to act as a coroner in the province.

Declaration of
coroner before
summoning
jury

5. No fees shall be payable to a coroner in respect of an inquest unless, prior to the issuing of his warrant for summoning the jury, he shall have made an affidavit in form A in the schedule to this Act, or to a like effect, stating that from information received by him he is of opinion that there is reason for believing that the deceased did not come to his death from natural causes, or from mere accident or mischance, but that he came to his death from violent or unfair means, or culpable or negligent conduct of others under circumstances requiring investigation by a coroner's inquest.

Warrant for
burial when
coroner deems
inquest
unnecessary

6. In any case in which the death of any person has been reported to a coroner and he has, in consequence of information received by him, make the affidavit required by section 5 of

this Act, if, after viewing the body of such deceased person and having made such further inquiries as he deems necessary, he comes to the conclusion that an inquest is unnecessary, he shall have the right to issue a warrant to bury in the same manner as he would have had power to do in case an inquest had been actually held and to withdraw the warrant for a holding of an inquest in case he has issued such warrant.

(2) In every such case the coroner shall make a declaration in writing under oath, setting forth briefly the result of such inquiry and the ground on which the warrant for burial had been issued, which declaration shall be made in form B in the schedule to this Act, or to a like effect. Declarations to be made by coroner in such case

7. Coroners shall have the same powers to summon witnesses and to punish them for disobeying a summons to appear, or for refusing to be sworn or to give evidence, as justices of the peace. Powers of coroners

8. It shall not be necessary in any case that a coroner's jury shall exceed six persons, but in every case of an inquest six jurors must agree in rendering a verdict. Number of jurors

9. Except in such cases as are provided for in the next succeeding section, the coroner and jury shall at the first sitting of the inquest view the body and the coroner shall examine upon oath, touching the death of the deceased person, all persons who tender their evidence respecting the facts, and all persons whom he thinks expedient to examine as being likely to have knowledge of relevant facts. View of body

10. In any case where the body of any person upon whom it is necessary to hold an inquiry has been buried and it is known to the coroner that no good purpose will be effected by exhuming the same for the purposes of such inquiry, the Attorney General may, either on application being made to him or on his own mere motion, under his hand give permission to the coroner who is about to hold such inquiry to proceed therewith without exhuming the said body or having a view thereof. Inquest without exhuming body

11. Any counsel appointed by the Attorney General to act for the Crown at any inquest may attend thereat and may examine or cross-examine any witnesses called at the inquest; and the coroner shall summon any witness required on behalf of the Crown. Counsel for Crown

11a. The evidence upon an inquest or any part of it, with the sanction of the Attorney General, may be taken in shorthand by a stenographer appointed by him, and who before acting shall make oath that he will truly and faithfully report the evidence, and where evidence is so taken it shall not be necessary that it shall be read over to or signed by the witness, but it shall be sufficient if the transcript is signed by the coroner and the stenographer, and is accompanied by an affidavit of the stenographer that it is a true report of such evidence. 1913 (2nd Session), c. 2, s. 8.

(2) A stenographer may be paid for his attendance and services such fees as may be allowed by the Attorney General. 1913 (2nd Session), c. 2, s. 8.

11b. A coroner may employ a person to act as interpreter at an inquest and such person may be summoned to attend the inquest. 1913 (2nd Session), c. 2, s. 8.

(2) An interpreter may be paid for his attendance and services such fees as may be allowed by the Attorney General. 1913 (2nd Session), c. 2, s. 8.

Form of verdict **12.** After viewing the body and hearing the evidence and the summing up of the coroner, the jury shall give their verdict and certify to it by an inquisition in writing under the hand and seal of the coroner and under the hands of the jury, setting forth, so far as such particulars have been proved to them, who the deceased was and how and when he came to his death. Such inquisition shall be made in form C in the schedule to this Act, or to a like effect.

Inquest papers to be forwarded to the Attorney General's department **13.** Every coroner shall immediately upon the conclusion of any inquest or investigation held by him, forward to the Attorney General's Department the inquisition thereof, together with the depositions of witnesses, the declaration required by section 5 of this Act, and in case of an investigation where no inquest was held, the declaration required by section 6 of this Act.

Annual statement **14.** Every coroner shall at the end of each year transmit to the Attorney General's Department a statement setting forth the number of inquests, together with the particulars of each held by him during the preceding year, which statement shall be in form D in the schedule to this Act, or to a like effect.

Fees **15.** Coroners shall be entitled to such fees for their services as are from time to time fixed by the Lieutenant Governor in Council.

Repeal **16.** All enactments and provisions of the law and all orders and regulations made thereunder inconsistent with or repugnant to this Act are hereby repealed.

SCHEDULE.

FORM A.

CANADA
PROVINCE OF ALBERTA
TO WIT:

I, of the
of in the Province of Alberta,
one of the Coroners of the said Province, make oath and say:

That from information received by me, I am of opinion that there is reason for believing that (or a man or woman, or male or female child unknown), now lying dead at, did not come to his death from natural causes, or from mere accident or mis-

chance, but that he came to his death from violence or unfair means, or culpable or negligent conduct of others, under circumstances requiring investigation by a Coroner's inquest.

.....
Coroner.

Sworn before me at the.....
..... of
in the Province of Alberta, this }
..... day of
19... }

FORM B.

AFFIDAVIT OF CORONER UNDER OATH WHEN INQUEST NOT NECESSARY.

CANADA
PROVINCE OF ALBERTA
TO WIT:

I,
of the of
in the Province of Alberta, a Coroner in and for the said Province, make oath and say:

That from information received by me, I was of the opinion that there was reason for believing deceased, did not come to death from natural causes, nor from mere accident or mischance, but from violence or unfair means or culpable or negligent conduct of others, under circumstances requiring investigation by a Coroner's inquest; but after viewing the body of the said deceased, and having made such further inquiries as I deemed necessary, I have come to the conclusion that an inquest is unnecessary, the said deceased having in my judgment come to death from and I have in consequence issued my warrant to bury the body of the said and have withdrawn my warrant for the holding of an inquest on the said body.

This statement should be crossed out if no warrant for an inquest was issued

Sworn before me at the.....
of in the Province
of Alberta, this day }
of A.D. 19... }

A Commissioner, etc., for Alberta.

This affidavit can be sworn before a commissioner, a J.P. or a notary public

FORM C.

CANADA
PROVINCE OF ALBERTA
TO WIT:

An inquisition taken for our Sovereign Lord the King at the house of in the of on the day of 19... (and by adjournment on the day of before one of the Coroners of our said Lord the King, for the Province of Alberta, on view of the body of then and there lying dead, the undersigned good and lawful men, being duly sworn, and charged to inquire for our said Lord the King, when, where, how and by what means the said came to death, do upon their oath say:

FORM D.

CORONER'S RETURN FOR YEAR ENDING DECEMBER 31, 191

NOTE—This Return is required by Section 14 of The Coroners Act, 1906, to be filled in and forwarded to the Attorney General's Department at the end of every year. If no inquests or investigations were held, the form should be marked "NIL," signed and returned to the Deputy Attorney General.

Name of Deceased	Place Where Inquest Held	Date of Inquest	Finding of Jury

I, the undersigned, one of His Majesty's Coroners in and for the Province of Alberta, do certify the above to be a correct Return of all inquests and investigations held by me for the year above mentioned.

Dated.....191

.....
Coroner.

1906

CHAPTER 16.

An Act respecting Notaries Public.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council may appoint by Appointments commission under his hand and the seal of the province one or more notaries public for the said province, provided that no appointment shall be made of any person or persons who at the time shall not be British subjects actually residing within the said province.

(2) Every application for a commission under this section shall be accompanied by an affidavit of the applicant, stating that he is a British subject by birth or naturalization and in the one case giving the date and place of birth and in the other the date and place of issue of his naturalization certificate. 1914, c. 2, s. 6.

1a. Every member of the Legislative Assembly of Alberta shall *ex officio* be a notary public for the said province. 1915, c. 2, s. 28.

2. Every such notary shall have, use and exercise the power Powers of drawing, passing, keeping and issuing all deeds and contracts, charter parties and other mercantile transactions in the said province and also of attesting all commercial instruments that may be brought before him for public protestation and otherwise of acting as usual in the office of notary and may demand, receive and have all the rights, profits and emoluments rightfully appertaining and belonging to the said calling of notary public during pleasure.

3. For every commission issued under this Act there shall Fee for be payable the sum of \$10 to the general revenue fund of the commission province or such less sum as may be fixed by the Lieutenant Governor in Council.

4. Every commission issued under section 1 of this Act unless Duration of issued to an advocate of the North-West Territories residing commission in the province and unless it is sooner revoked shall expire at the expiration of two years from the 31st day of December of the year in which it is issued.

5. Any notary public whose commission expires under the Date of terms of the next preceding section shall write or stamp on every expiration of affidavit, declaration or other certificate taken or given by him commission to the date on which such commission expires. be noted on
certificate

(2) Any notary public failing to comply with the provisions of this section shall be liable on summary conviction to a fine not exceeding \$10 and costs.

Appointments
heretofore
made valid

6. All appointments heretofore made by the Lieutenant Governor in Council of persons as notaries public are hereby declared to be valid.

Existing
commissions
continued

7. The commissions as notaries public of such persons as are at the date of the passing of this Act resident in the province, by whatever authority issued, shall, so long as such persons remain resident in the province and unless the same are sooner revoked, continue in force for the periods respectively that such commissions would have remained in force had this Act not been passed.

Other com-
missions be
rescinded

8. Save as herein provided, all commissions as notaries public by any law in force in the province are hereby rescinded.

9. Every British Ambassador, envoy, minister, charge d'affaires, and secretary of embassy or legation exercising his functions in any country, and every British consul-general, consul, vice-consul, pro-consul and consular agent exercising his functions in any place may, in that country or place administer any oath and take any affidavit and also do any notarial act which any notary public or commissioner to administer oaths can or may do within the Province of Alberta, and every oath, affidavit and notarial act administered, sworn or done by or before any such person, shall be as effectual as if duly administered, sworn or done by or before any lawful authority in any part of the said province.

(2) Any document purporting to have affixed, impressed or subscribed thereon or thereto the seal and signature of any person authorized by this section to administer an oath in testimony of any oath, affidavit or act being administered, taken or done by or before him shall be admitted in evidence without proof of the seal or signature of that person or of the official character of that person. 1915, c. 2, s. 7.

1906

CHAPTER 17.

An Act respecting Sheriffs and Deputy Sheriffs.

(Repealed and substituted 1909, c. 11, s. 49.)

1906

CHAPTER 18.

An Act respecting Clerks and Deputy Clerks.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council may from time to time appoint such fit and proper persons, being advocates of the North-West Territories or being members of the Law Society of Alberta, resident in the province, to be clerks of the Supreme Court of the North-West Territories, or such other court as may hereafter be constituted exercising within the province the jurisdiction, powers and authority at the date of the passing of this Act exercised therein by the Supreme Court of the North-West Territories, in each judicial district, and every person so appointed shall hold office during pleasure, and such clerks shall receive such remuneration for their services as may from time to time be fixed by the Lieutenant Governor in Council. Provided that the Lieutenant Governor in Council may appoint any person who has been a clerk or deputy clerk of the Supreme Court of Alberta, notwithstanding the fact that he is not an advocate or a member of the Law Society of Alberta, and the previous appointments of all such persons are hereby validated and confirmed. 1907, c. 5, s. 6; 1914, c. 2, s. 7.

(2) Whenever it appears that the convenience of the public so requires the Lieutenant Governor in Council may appoint deputy clerks for any or all of the judicial districts in the province, and may designate the place or places where such clerks shall establish their offices and fix their remuneration, and the expression "clerk or clerks" where used in this Act shall be taken to include such deputy clerk or clerks respectively but it shall not be necessary that such deputy clerks be advocates and such deputy clerks shall in all respects have and perform all the powers, duties and obligations imposed upon clerks under this Act. 1907, c. 5, s. 6.

(3) The Lieutenant Governor in Council may by order settle and adjust any questions, disputes or matters arising from or consequent upon the exercise of the powers herein contained. 1907, c. 5, s. 6.

(4) In the absence or illness of the clerk or deputy clerk he may in writing appoint some person to act for him, and such person shall during such absence or illness of the clerk or deputy clerk have, use and exercise all the powers, duties and functions of the clerk or deputy clerk. 1907, c. 5, s. 6.

Security
to be given
by clerks

2. Every person so appointed shall before entering upon the duties of his office give security for the due performance of such duties in such sum, with such securities and in such manner and form as the Lieutenant Governor in Council requires.

Security may
be sued upon

3. Such security shall be available to and may be sued upon by any person suffering damages by the default, breach of duty or misconduct of such clerk.

Security to be
filed with
Provincial
Secretary

4. Such security shall be filed in the office of the Provincial Secretary and a copy of the same certified by the Provincial Secretary shall be received in all courts as *prima facie* evidence of the due execution and contents thereof without further proof.

5. (*Repealed*—1907, c. 5, s. 6.)

Clerk or
deputy clerk
not to act as
an advocate

6. No such clerk, or deputy clerk, while holding office, shall practise as an advocate in the province, or be a member of any firm of advocates practising in the province.

Security to be
given by
deputy clerk

7. Every deputy clerk, before entering upon the duties of his office, shall give security to His Majesty, to the satisfaction of the Lieutenant Governor in Council, in the sum of one thousand dollars (\$1,000.00) for the due performance of the duties and obligations of the said office, and for the due payment over to the persons entitled thereto of all moneys received by him by virtue of his said office, and any person sustaining damage by reason of nonperformance of any such duties or obligations, or by reason of the nonpayment of any such moneys shall have and possess all rights of action against such deputy clerk and his sureties upon such security for the amount of such damage.

Clerk respon-
sible for good
conduct of
deputy clerk

8. The clerk for each judicial district shall be responsible for the good conduct of every deputy appointed for such judicial district.

Actions to be
carried on in
the office in
which they are
commenced

9. All actions and other proceedings commenced in the office of any one of the said clerks shall be carried on in the same office, and in respect thereof such clerk shall in all respects have and perform all the powers, duties and obligations imposed upon him by any law in force in the province.

Oaths to be
taken by clerks
and deputy
clerks

10. Every clerk and deputy clerk appointed under the provisions of this Act shall, upon appointment and before entering upon the duties of his office, take an oath of office in the form in the schedule to this Act, and also the oath of allegiance, and such oaths shall be filed in the office of the clerk of the Executive Council immediately after being taken.

On vacancy of
office of clerk
books, etc., to
be handed over
to person
lawfully
performing
clerk's duties

11. Whenever a vacancy occurs in the office of the clerk, and until the same is filled by the proper authority, the books, records, moneys and other matters and things the property of the Government of the province shall be handed over by the person in whose possession or control they may be to the person lawfully performing the duties of clerk.

Order may be
made for
seizure of
books, etc.

(2) Without prejudice to any other powers of the court, or judge, by way of attachment, committal or otherwise, any judge

of the said court hereinbefore referred to may on summary application make an order directing the sheriff, or other person named by him, to take and seize such books, records, moneys and other things wheresoever found, and for such purpose may authorize such sheriff, or other person, to break and open any doors and windows, buildings, or enclosures, and such order shall be full justification to such sheriff, or other person, for any action taken in pursuance thereof.

12. All necessary books and forms required for use in the clerks' offices shall be provided by and be the property of the Provincial Government. Property in books and forms

13. In every section of the province where the convenience of the public requires the Lieutenant Governor in Council may appoint a process issuer and such process issuer shall be supplied by the clerk with blank forms, original, and *mesne* processes signed by the clerks, and he may issue the same under the direction of the said clerk from time to time, countersigning each one so issued and making returns of all processes so issued showing the fees received by him in respect thereof, and shall return all fees so received to the clerk and transmit a duplicate of such to the Attorney General. The clerk shall deal with and account for such fees so received in the same way as by this Act he is obliged to do with respect to fees received directly by him. 1907, c. 5, s. 6; 1909, c. 4, s. 9. Process issuer

(2) Such process issuer shall receive such remuneration as may from time to time be fixed by the Lieutenant Governor in Council.

(3) In the absence or illness of a process issuer he may, in writing, appoint some person to act for him and such person shall, during such absence or illness of the process issuer, have, use and exercise all the powers, duties and functions of the process issuer, but the process issuer shall be responsible for any act or duty done or performed by such person so appointed while acting as process issuer. 1909, c. 4, s. 9 (2). Absence or illness of process issuer

14. Where the word "fees" occurs in the following sections of this Act it shall mean and include all fees and allowances payable to clerks under the provisions of any law, Statute, Ordinance or Act in force in the province. Fees

15. All fees upon interlocutory motions, summonses and orders made or granted in chambers shall be paid to the clerk of the judicial district in which the proceedings are taken. Fees to be paid clerk

16. Every clerk shall keep a chamber book in which such proceedings shall be entered: Chamber book

17. Every clerk shall keep a separate book in which he shall enter from day to day all fees and emoluments received by him under and by virtue of the said laws, Statutes, Ordinances or Acts, and amendments, showing therein separately the fees received by him for each service performed under any of the said laws, Statutes, Ordinances or Acts, and amendments, and such further facts and information as the Lieutenant Governor in Council may from time to time require. Fees received to be recorded

Fee book open
to inspection

18. Each clerk shall produce such book at any time during his lawful office hours for inspection by any person appointed by the Lieutenant Governor in Council for that purpose.

All fees to be
returned to
Provincial
Treasurer

19. All fees received by any clerk shall be paid to the Provincial Treasurer by such clerk within the first five days of the month following the month in which such fees are received; and such payment to the Provincial Treasurer shall be accompanied by a statement in such form as the Attorney General may prescribe, verified under oath, showing the amount of the fees received.

Penalty for
neglect to
keep books

20. Any clerk who fails to keep the books required to be kept by him under the provisions hereof or who fails to enter therein any fee or fees received by him and required by the provisions hereof to be entered therein shall for each such offence be liable on summary conviction to a penalty not exceeding \$20.00.

Failure to
transmit fees

21. Any clerk who fails to transmit to the Provincial Treasurer the fees required to be so transmitted by him under the provisions of section 19 hereof shall for every such offence be liable on summary conviction to a penalty of \$20 for each day after he shall fail to transmit the same.

Penalty

Moneys to go
to general
revenue fund

22. The fees and moneys received by the Provincial Treasurer under the provisions hereof shall form part of the general revenue fund of the province.

Present
incumbents
continued
during
pleasure

23. Notwithstanding anything herein contained all clerks and deputy clerks of the Supreme Court of the North-West Territories holding and exercising such offices at the date of the passing of this Act shall continue to hold such offices and perform the duties appertaining thereto during pleasure in the same way and to the same extent and subject to the provisions of the same Ordinances, laws, rules and regulations made thereunder as would have been in force had this Act not been passed.

Lieutenant
Governor
in Council
may make
regulations

24. The Lieutenant Governor in Council may from time to time make such rules and regulations and prescribe such forms not being inconsistent with this act as are necessary to carry out the provisions hereof.

Repeal

25. Save as herein provided all laws and all orders, rules and regulations made thereunder repugnant to the provisions of this Act are hereby repealed.

SCHEDULE.

CLERK'S OATH OF OFFICE.

I.....do swear that I will truly and faithfully perform the several duties of.....Clerk of the Supreme Court of the North-West Territories (or such other Court as aforesaid) Judicial District of.....to which I have been appointed, without fear, favour or malice. So help me God.

Sworn before me at.....
in the Province of Alberta, this }
.....day of..... }
191...

1906

CHAPTER 19.

An Act respecting the Transfer and Descent of Land.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. In this Act unless the context otherwise requires—

Interpretation

1. The expression "land" means lands, messuages, tenements, Land and hereditaments, corporeal and incorporeal of every nature and description, and every estate or interest therein, and whether such estate or interest is legal or equitable, together with all paths, passages, ways, watercourses, liberties, privileges, easements, mines, minerals, and quarries appertaining thereto, and all trees and timber thereon and thereunder lying or being, unless any such are specially excepted.

2. The expression "transfer" means the passing of any estate Transfer or interest in land under any act respecting titles to real estate in the province, whether for valuable consideration or otherwise.

3. The expression "transferor" means the person by whom Transferor any interest or estate in land is transferred, whether for value or otherwise, and the expression "transferee" means the person to whom any interest or estate in land is transferred, whether for value or otherwise.

4. The expression "instrument" means any grant, certificate Instrument of title, conveyance, assurance, deed, map, plan, will, probate or exemplification of will, letters of administration, or an exemplification thereof, mortgage or encumbrance, or any other document in writing relating to or affecting the transfer of or other dealing with land or evidencing title thereto.

5. The expression "transmission" applies to change of own-Transmission ership consequent upon death, lunacy, sale under execution, order of court, or other act of law, sale for arrears of taxes or upon any settlement or any legal succession in case of intestacy.

2. Land in the province shall go to the personal representatives Land to be of the deceased owner thereof and shall be dealt with and dis- considered personal estate tributed as personal estate.

3. No words of limitation are necessary in any transfer of Effect of any land in order to transfer all or any title therein, but every transfer instrument transferring land shall operate as an absolute transfer of all such right and title as the transferor has therein at the time of its execution, unless a contrary intention is expressed in the transfer; but nothing herein contained shall preclude any transfer from operating by way of estoppel; and hereafter the introduction of any words of limitation into any transfer or

Effect of words
of limitation

devise of any land, shall have the like force and meaning, as the same words of limitation would have if used by way of limitation of any personal estate, and no other.

Devisee to
take from
personal
representative

4. No devise shall be valid or effectual as against the personal representative of the testator until the land affected thereby is transferred to the devisee thereof by the personal representative of the deviser, saving and excepting such devises as are made by the testator to his personal representative, either in his representative capacity or for his own use.

Dower
abolished

5. No widow whose husband died on or after the first day of January, one thousand eight hundred and eighty-seven, shall be entitled to dower in the land of her deceased husband; but she shall have the same right in such land as if it were personal property.

Widow's right

Tenancy by
the courtesy
abolished

6. No husband whose wife died on or after the first day of January, one thousand eight hundred and eighty-seven, shall be entitled to any estate by the courtesy in the land of his deceased wife; but he shall have the same right therein as a wife has in the personal property of her deceased husband.

Husband's
right

Transfer of
land to man
and wife

7. Whenever land is transferred to a man and his wife the transferees shall take according to the tenor of the transfer, and they shall not take by entireties unless it is so expressed in the transfer.

Transfers
between
consorts

8. A man may make a valid transfer of land to his wife, and a woman may make a valid transfer of land to her husband, without in either case the intervention of a trustee.

Estate tail
abolished;
fee simple or
other estate
substituted

9. Any devise or limitation which heretofore would have created an estate tail shall transfer the absolute ownership, or the greatest estate that the deviser or transferrer had in the land; and no estate in fee-simple shall be changed into any limited fee or fee-tail, but the land, whatever form of words is used in any transfer or transmission or dealing, shall, except as in any Act of the province otherwise provided, be and remain an absolute estate in the owner for the time being.

Fee simple
not changeable
into limited
estate

Married women
to be as if
feme sole

10. A married woman shall, in respect of land acquired by her on or after the first day of January, one thousand eight hundred and eighty-seven, have all the rights and be subject to all the liabilities of a *feme sole*, and may, in all respects, deal with land as if she were unmarried.

Adultery
by wife

11. If a wife has left her husband, and has lived in adultery after leaving him, she shall take no part of the land of her husband.

Adultery
by husband

12. If a husband has left his wife, and has lived in adultery after leaving her, he shall take no part of her land.

Illegitimate
children inherit
from mother

13. Illegitimate children shall inherit from the mother as if they were legitimate, and through the mother, if dead, any land which she would, if living, have taken by purchase, gift, devise, or descent from any other person.

14. When an illegitimate child dies intestate, without issue, ^{illegitimate} the mother of such child shall inherit any land which the said ^{child dying} _{intestate} child was the owner of at the time of his death.

1906

CHAPTER 20.

An Act respecting Suits Against the Crown by Petition of Right.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Alberta, enacts as follows:

SHORT TITLE.

Short title **1.** This Act may be cited as "*The Alberta Petition of Right Act.*"

INTERPRETATION.

Interpretation **2.** In this Act, unless the context otherwise requires—
Court (a) The expression "court" means the Supreme Court of the North-West Territories, or such other court as may be hereafter constituted and established by law exercising within the Province of Alberta the jurisdiction, powers and authority at the date of the passing of this Act exercised therein by the Supreme Court of the North-West Territories.
Judge (b) The expression "judge" means a judge of the said court, and includes the chief justice.
Relief (c) The expression "relief" shall comprehend every species of relief claimed or prayed for in any petition of right, whether a restitution of any incorporeal right, or a return of lands or chattels, or a payment of money or damages, or otherwise.
Contents of petition **3.** A petition of right shall be entitled in the Supreme Court of the North-West Territories, or in such other court as may hereafter be constituted and established by law exercising within the province the jurisdiction, powers and authority at the date of the passing of this Act exercised therein by the Supreme Court of the North-West Territories, and shall state the place where the suppliant proposes the petition shall be tried; and such petition shall be addressed to His Majesty in the words or to the effect of the form in schedule A to this Act, and shall state the Christian name and surname and usual place of abode of the suppliant and those of his advocate, if any, by whom the same is presented, and shall set forth with convenient certainty the facts entitling the suppliant to relief, and shall be signed by the suppliant, his counsel or advocate. The facts set forth in the petition shall be verified by affidavit of the suppliant, his advocate or agent, thereto annexed.

Fiat for **4.** The said petition shall be submitted for consideration to the Lieutenant Governor in Council, and upon such consideration a fiat may be granted that right be done. The suppliant



on so submitting the petition shall file therewith in the office of the Clerk of the Executive Council a certificate by the clerk of the said court for the judicial district in which it is proposed that the petition shall be tried that a bond for security for costs by the suppliant and two sufficient sureties has been deposited in his office, and until a satisfactory security bond shall have been deposited no fiat shall be granted.

Security for costs

5. Upon the Lieutenant Governor's fiat being obtained to such petition, a copy of such petition and fiat shall be left at the office of the Attorney General during office hours with an endorsement thereon in the words or to the effect of the form in schedule B to this Act annexed, praying for a defence or answer on behalf of His Majesty within twenty-eight days.

Service of petition

Notice to defend

6. In case any such petition of right be presented for the recovery of any real or personal property or any right in or to the same which has been granted away or disposed of by or on behalf of His Majesty or His predecessors, a copy of such petition, allowance and fiat shall be served upon, or left at the last or usual or last known place of abode of the person in the possession, occupation or enjoyment of such property or right, endorsed with a notice in the words or to the effect of the form in schedule C to this Act, requiring such person to file a statement of defence thereto within twenty days after the same has been so served or left as aforesaid.

Notice to last occupant of real estate

7. It shall not be necessary to issue any *scire facias* or other process to any person so served for the purpose of requiring him to appear, plead or answer to such petition; but he shall, if he intend to contest such petition, file his statement of defence thereto within the time specified in such notice or such further time as the court or judge may allow.

Appearance of third party and subsequent proceedings

PLEADINGS.

8. The time for defending or pleading to such petition, on behalf of His Majesty, shall be the said period of twenty-eight days after the same, with such prayer of a defence or answer as aforesaid, has been left at the office of the said Attorney General or such further time as may be allowed by the court or a judge.

Time for pleading or answering

9. The petition may be answered within the time aforesaid according to the practice of the court relating to statements of defences and counterclaims, by or in the name of His Majesty's Attorney General on behalf of His Majesty.

How petition may be answered by Attorney General for the Crown

10. The petition may be answered by or on behalf of any other person who may in pursuance thereof be called upon to plead or answer thereto in the same manner as if such petition, when prosecuted in the said court, were a statement of claim filed therein; and such and the same matter as would be sufficient ground of answer or defence in point of law or fact to such petition on the behalf of His Majesty may be alleged on behalf of any such other person as aforesaid called on to plead or answer thereto.

How petition may be answered by another person

PRACTICE.

Rules of
pleading,
evidence, etc.

11. So far as the same are applicable, and except in so far as is inconsistent with this Act, the laws and statutes in force as to pleading, evidence, hearing, and trial, security for costs, amendment, arbitration, special cases, the means of procuring and taking evidence, set off, appeal and proceedings in error, in suits between subject and subject, and the rules, orders, practice and course of procedure of the said court respectively, for the time being, in reference to such suits and personal actions, shall, unless the court otherwise orders, be applicable and apply and extend to such petition of right.

Petition taken
pro confesso

12. In case of a failure on the behalf of His Majesty, or of any other person as aforesaid, called upon to answer or plead to such petition, to plead or answer in due time, either to such petition or at any subsequent stage of the proceedings thereon, the suppliant shall be at liberty to apply to the court or a judge for an order that the petition may be taken as confessed; and the court or judge, on being satisfied that there has been such failure to plead, answer or defend in due time, may order that such petition may be taken as confessed as against His Majesty or such other party so making default; and in case of default on behalf of His Majesty, or any other such person (if any) called upon as aforesaid to answer or plead thereto, a judgment may be pronounced by the court or leave may be given by the court, on the application of the suppliant, to sign judgment in favour of the suppliant.

Setting aside
judgment

13. The judgment in the last preceding section authorized may afterwards be set aside by such court or a judge in its or his discretion upon such terms as to it or him seem proper.

TRIAL OF ISSUES.

Trial

14. Any issue of fact or assessment of damages to be tried or had under this Act shall be tried or had by a judge without a jury.

JUDGMENT.

Form of
judgment

15. Upon every such petition of right, the judgment of the court, whether pronounced or given upon the pleadings, or upon a default to answer or plead in time, or after hearing or verdict, or otherwise, shall be that the suppliant is or is not entitled either to the whole or to some portion of the relief sought by his petition, or such other relief as the court thinks right, and such court may give a judgment that the suppliant is entitled to such relief, and upon such terms and conditions (if any) as such court thinks just.

Effect of
judgment

16. In all cases in which the judgment commonly called a judgment of *amoveas manus* was formerly in England pronounced or given upon a petition of right, a judgment that the suppliant is entitled to relief as hereinbefore provided shall be of such and the same effect as such judgment of *amoveas manus*.

COSTS.

17. Upon any such petition of right, the Attorney General or other person appearing on behalf of His Majesty, and every such other person as aforesaid who defends or pleads thereto, shall be entitled respectively to recover costs against the suppliant in the same manner, and subject to the same restrictions and discretion, and under the same rules, regulations and provisions, so far as they are applicable, as are or may be usually adopted or in force, touching the payment or receipt of costs in proceedings between subject and subject; and for the recovery of such costs, such and the same remedies and writs of execution as are authorized for enforcing payment of costs upon judgments or orders shall and may be prosecuted, sued out and executed respectively by or on behalf of His Majesty and of such other person as aforesaid as defends and pleads to such petition; and any costs recovered on behalf of His Majesty shall be paid to the Provincial Treasurer and form part of the general revenue fund of the province.

Costs upon
petition as
against the
suppliant

18. Upon any such petition of right the suppliant shall be entitled to costs against His Majesty, and also against any other person defending or pleading to any such petition of right, in like manner, and subject to the same rules, regulations and provisions, restrictions and discretion, so far as they are applicable, as are or may be usually adopted or in force, touching the right to recover costs, in proceedings between subject and subject; and for the recovery of any such costs from any such person, other than His Majesty, defending or pleading in pursuance hereof to any such petition of right, such and the same remedies and writs of execution as are authorized for enforcing payment of costs, judgments or orders in actions between subject and subject shall and may be prosecuted, sued out and executed on behalf of such suppliant.

Recovery of
costs by the
suppliant

ENFORCING JUDGMENT AGAINST CROWN.

19. Whenever upon such petition of right, a judgment or order is given or made that the suppliant is entitled to relief, and there is no appeal, and whenever upon an appeal a judgment or order is affirmed, given or made that the suppliant is entitled to relief, and whenever any judgment or order is given or made entitling the suppliant to costs, any one of the judges of the said court shall and may, upon application in behalf of the suppliant, after the lapse of fourteen days from the making, giving or affirming of such judgment or order, certify to the Provincial Treasurer the tenor and purport of the same, in the words or to the effect of the form in schedule D to this Act; and such certificate may be sent to or left at the office of the Provincial Treasurer during office hours.

Judge's
certificate to
the provincial
treasurer, when
suppliant is
declared
entitled

20. Upon the tenor and purport of any judgment or order being certified to him as aforesaid, the Provincial Treasurer shall pay out of any moneys in his hands, for the time being legally applicable thereto or which may be thereafter voted by the Legislature for that purpose, the amount of any moneys and costs awarded by such judgment or order to the suppliant in any such petition of right.

Payment of
judgment
and costs

SAVING CLAUSE.

Act restrained **21.** Nothing in this Act contained shall prevent any suppliant from proceeding as before the passing of this Act.

SCHEDULES.

Schedules The following are the schedules referred to in this Act:

SCHEDULE A.

(Section 3.)

PETITION.

Petition In the Supreme Court of the North-West Territories (*or* such other court
as the case may be).
To the King's most excellent Majesty:
PROVINCE OF ALBERTA, } The humble petition of A.B., of.....
TO WIT: } by his attorney, E.F., of.....
..... sheweth that (*state the facts*).

CONCLUSION.

Your suppliant, therefore, humbly prays, etc.

Your suppliant humbly proposes that this petition be tried at.....

Dated the.... day of..... A.D. 191..
(Signed) A.B.
(*or* C.D., counsel for A.B., *or* E.F.,
advocated for A.B.)

I, A.B., the within suppliant, make oath and say that the facts and matters and things in the within named petition set forth and contained are true, to my personal knowledge.

Sworn, etc. (Signed) A.B.

SCHEDULE B.

(Section 5.)

ENDORSEMENT ON PETITION.

Endorsement on petition The suppliant prays for a statement of defence on behalf of His Majesty within twenty-eight days after the date hereof, or otherwise that the petition be taken as confessed.

SCHEDULE C.

(Section 6.)

NOTICE TO DEFEND.

To A.B.:

Notice to defend

You are hereby required to file your statement of defence to the within petition in the Supreme Court of the North-West Territories (*or* such other court as the case may be) within twenty days after the date of service hereof.

Take notice that if you fail to defend in due time the said petition may, as against you, be ordered to be taken as confessed.

Dated, etc.

SCHEDULE D.

(Section 19.)

CERTIFICATE OF JUDGMENT FOR PETITIONER.

In the Supreme Court of the North-West Territories (*or* such other court
as the case may be).

To the Honourable the Treasurer of Alberta:

<p>A.B., suppliant vs. The King.</p>	}	<p>I hereby certify that on the.....of....., Certificate of A.D. 19...., it was by the said Supreme Court of the judgment for North-West Territories (<i>or</i> such other court as the case petitioner <i>may be</i>) adjudged (<i>or</i> ordered) that the above named suppliant was entitled to, etc.</p>
<p>Dated, etc.</p>	}	<p>..... (Judge's Signature).</p>

1906

CHAPTER 21.

An Act for the Benefit of Mechanics and Labourers.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

Short title 1. This Act may be cited as "*The Mechanics' Lien Act.*"

INTERPRETATION.

- Interpretation 2. In the construction of this Act—
1. "Court" or "judge" shall mean the court within the province exercising jurisdiction in civil cases to the amount claimed in the action or proceeding whether brought in respect of one lien or more than one lien, and the interpretation herein given shall for all purposes be deemed to have been included in the original Act; 1908, c. 20, s. 12.
- Contractor 2. "Contractor" shall mean a person employed directly by the owner for doing the work or placing or furnishing materials for any of the purposes mentioned in this Act;
- Subcontractor 3. "Subcontractor" shall mean a person not contracting with or employed directly by the owner for the purpose aforesaid, but contracting with or employed by the contractor or under him, by another subcontractor, to do all or a certain portion of the work or to place or furnish material, but a person doing manual or mental labour for wages shall not be deemed a "subcontractor";
- Owner 4. "Owner" shall extend to and include a person having any estate or interest, legal or equitable, in the lands upon or in respect of which the work is done or materials are placed or furnished, at whose request and upon whose credit or on whose behalf, or with whose privity or consent, or for whose direct benefit any such work is done or materials are placed or furnished, and all persons claiming under him whose rights are acquired after the work in respect to which the lien is claimed is commenced or the materials furnished have been commenced to be furnished;
- Works or improvements 5. "Works or improvements" shall include every act or undertaking for which a lien may be claimed under this Act;
- Labourer 6. "Labourer" shall mean, extend to and include every mechanic, miner, artisan, builder, or other person doing labour for wages;
- Material 7. "Material" shall include every kind of moveable property;
- Wages 8. "Wages" shall mean money earned by a labourer, for work done whether by time or as piece work.

APPLICATION.

3. This Act shall apply to any contract made or work begun Application previous to the passage hereof, but only so far as regards any moneys remaining unpaid and as respects any such unpaid moneys.

NATURE OF LIENS.

4. Unless there is an agreement in writing to the contrary Mechanics and others to have liens for work done, etc. signed by the person claiming the lien, every contractor, sub-contractor, labourer, and furnisher of material doing or causing work to be done upon or placing or furnishing any materials to be used in or for the construction, erection, alteration or repairs, either in whole or in part of, or addition to, any building, tramway, railway, erection, wharf, bridge or other work, or doing or causing work to be done upon, or in connection with, or the placing or furnishing of materials to be used in or for the clearing, excavating, filling, grading, tracklaying, draining, or irrigating of any land in respect of a tramway, railway, mine, sewer, drain, ditch, flume or other work, or improving any street, road or sidewalk adjacent thereto, at the request of the owner of such land shall by virtue thereof have a lien or charge for the price of such work, and the placing or furnishing of such materials upon such building, erection, wharf, machinery, fixture, or other works, and all materials furnished or produced for use in constructing or making such works or improvements so long as the same are about to be in good faith worked into or made part of the said works or improvements, and the land, premises, and appurtenances thereto, occupied thereby or enjoyed therewith, but limited in amount as hereinafter mentioned:

Provided such lien shall affect only such interest in the said land, premises and appurtenances thereto as is vested in the owner at the time the works or improvements are commenced, or any greater interest the owner may acquire during the progress of the works or improvements, or have at any time during which the lien stands as an encumbrance against said land.

5: When any material is brought upon any land to be used Material subject to lien in connection with such land for any of the purposes enumerated in the last preceding section hereof, the same shall be subject to a lien for the unpaid price thereof in favour of any person supplying the same until it is put or worked into the building, erection or work as part of the same.

6. No agreement shall be held to deprive any one otherwise Agreement as to liens entitled to a lien under this Act and not a party to the agreement of the benefit of the lien and the lien shall attach notwithstanding such agreement.

7. The taking of any security for, or the acceptance of any Certain proceedings not to be deemed satisfaction or waiver of lien promissory note for, or cheque which on presentation is dishonoured, or the taking of any other acknowledgment of the claim, or the taking of any proceedings for the recovery of the claim or the recovery of any personal judgment for the claim, shall not merge, waive, pay, satisfy, prejudice, or destroy any lien created by this Act, unless the lienholder agrees in writing that it shall have that effect:

Provided, however, that a person who has extended the time for payment of any claim for which he has a lien under this Act to obtain the benefit of this section shall institute proceedings to enforce such lien within the time limited by this Act, but no further proceedings shall be taken in the action until the expiration of such extension of time:

Provided further, that notwithstanding such extension of time such person may where proceedings are instituted by any other person to enforce a lien against the same property prove and obtain payment of his claim in such suit or action as if no such extension had been given.

Amount to
which lien
limited

8. Such lien shall be limited in amount to the sum actually owing to the person entitled to the lien.

Liens on
mortgaged
premises

9. Where works or improvements are put upon mortgaged premises the liens by virtue of this Act shall be prior to such mortgage as against the increase in value of the mortgaged premises by reason of such works or improvements but not further unless the same is done at the request of the mortgagee in writing; and the amount of such increase shall be ascertained upon the basis of the selling value upon taking on the account, or by the trial of an action or issue as provided herein, and thereupon the judge may if he shall consider the works or improvements of sufficient value to justify the proceedings order the mortgaged premises to be sold at an upset price equal to the selling value of the premises immediately prior to the commencement of such works or improvements (to be ascertained as aforesaid) and any sum realized in excess of such upset price shall be subject to the liens provided for by this Act. The moneys equal to the upset price as aforesaid shall be applied towards the said mortgage or mortgages according to their priority. Nothing, however, in this section shall prevent the lien from attaching upon the equity of redemption or other interest of the owner of the land subject to such mortgage or charge.

Interpretation
of mortgage

(2) "Mortgage" in this section shall not include any part of the principal sum secured thereby not actually advanced to the borrower at the time the works or improvements are commenced, and shall include a vendor's lien and an agreement for the purchase of land, and for the purposes of this Act and within the meaning thereof the purchaser shall be deemed mortgagor and the seller a mortgagee.

Claim for
wages

10. Without prejudice to any liens which he may have under the preceding sections every mechanic, labourer or other person who performs labour for wages upon the construction, alteration or repairs of any building or erection, or in erecting or placing machinery of any kind in, upon or in connection with any building, erection or mine shall to the extent of the interest of the owner have upon the building, erection or mine and the land occupied thereby or enjoyed therewith a lien for such wages, not exceeding the wages of six weeks or a balance equal to his wages for six weeks.

(2) The lien for wages given by this section shall attach when the labour is in respect of a building, erection or mine on property

belonging to the wife of the person at whose instance the work is done, upon the estate or interest of the wife in such property as well as upon that of her husband.

11. Every building or other improvement mentioned in the fourth section of this Act constructed upon any lands with the knowledge of the owner or his authorized agent, or the person having or claiming any interest therein, shall be held to have been constructed at the request of such owner or person having or claiming any interest therein, unless such owner or person having or claiming an interest therein shall, within three days after he shall have obtained knowledge of the construction, alteration or repair, give notice that he will not be responsible for the same, by posting a notice in writing to that effect in some conspicuous place upon said land or upon the building or other improvement thereon.

Owner of land deemed to have authorized the erection of buildings thereon

(2) Whenever such owner or such person, not having contracted for or agreed to such construction, alteration, repair, works or improvements being done or made, but who has failed to give said notice within the said three days, shall post a notice in writing in some conspicuous place upon said land, or upon the buildings or improvements thereon, to the effect that he will not be responsible for the works or improvements, no works or improvements made after such posting shall give any right as against such owner or person, or his interest in said land, to a lien under this Act.

Notice by owner that he will not be responsible for work done on his land

12. Where any of the property upon which a lien is given by this Act is wholly or partly destroyed by fire, any insurance receivable thereon by the owner, prior mortgagee or chargee, shall take the place of the property so destroyed, and shall, after satisfying any prior mortgage or charge in the manner and to the extent set out in section 9 hereof be subject to the claims of all persons for liens to the same extent as if such moneys were realized by the sale of such property in an action to enforce a lien.

Insurance moneys

13. Every lien upon such building, erection, mine, works or improvements, or land shall absolutely cease to exist after the expiration of thirty-five days, except in the case of a claim for wages owing for work in, at or about a mine, in which case the lien shall cease after the expiration of sixty days after the claimant has ceased from any cause to work thereon, or place or furnish the materials therefor; provided, however, that any labourer shall not be held to have ceased work upon any building, erection, mine, works or improvements until the completion of the same, if he has in the meantime been employed upon any other work by the same contractor, unless in the meantime the person claiming the lien shall file in the land titles office of the land registration in which the land is situate or in the office of the clerk of the Superior Court of the province in the judicial district in which the land lies, an affidavit sworn before any person authorized to take oaths, stating in substance: 1915, c. 2, s. 27.

Lien expires in 31 days after completion of work unless registered

Exception as to mine

Registration of liens

(a) The name and residence of the claimant, and of the owner of the property or interest to be charged;

(b) The particulars of the kind of works or improvements done, made or furnished;

- (c) The time when the works or improvements were finished or discontinued;
- (d) The sum claimed to be owing and when due;
- (e) The description of the property to be charged;
- (f) The address for service of the claimant. 1915, c. 2, s. 27.

which affidavit shall be received and filed as a lien against the property, interest or estate. Every registrar under *The Land Titles Act*, and every such clerk shall be supplied with printed forms of such affidavits in blank, which may be in the form or to the effect of schedule A to this Act, and which shall be supplied to every person requesting the same and desiring to file a lien. Every such registrar and clerk shall keep an alphabetical index of all claimants of liens, and the persons against whom such liens are claimed, which index shall be open for inspection during office hours, and it shall be the duty of such registrar and clerk to decide whether his is or is not the proper office for the filing of such affidavits, and to direct the applicant accordingly; and no affidavit shall be adjudged insufficient on the ground that it was not filed in the proper registry office or clerk's office. The said claim of lien may be described as a mechanic's lien:

Amount for which lien may be filed

Claims to be filed as encumbrances, with registrar

With clerk

Provided, however, that no lien shall be filed unless the claim or joined claims shall amount to or aggregate \$20 or more.

(2) Upon the filing of such affidavit in any such land titles office the registrar shall enter and register the claim as an encumbrance against the land or the estate or interest in the land therein described as provided in *The Land Titles Act*.

(3) Upon the filing of such affidavit in the office of any such clerk the clerk shall forthwith transmit to the registrar of the land registration district in which the land lies a certificate of the filing of such lien in his office, and specifying the particulars in the affidavit contained, and upon the receipt by the said registrar of such certificate he shall enter and register the claim as an encumbrance against the land or the estate or interest in the land therein described as provided in *The Land Titles Act*.

Substantial compliance with section 13 only necessary

14. A substantial compliance only with section 13 of this Act shall be required and no lien shall be invalidated by reason of failure to comply with any of the requisites thereof, unless in the opinion of the court or judge adjudicating upon the lien under this Act the owner, contractor, subcontractor, mortgagee or other person is prejudiced thereby, and then only to the extent to which he is prejudiced, and the court or judge may allow the affidavit and statement of claim to be amended accordingly.

Liens to pass on death to legal representatives or may be assigned

15. In the event of the death of a lienholder his lien shall pass to his personal representatives, and the right of a lienholder may be assigned by any instrument in writing subject to the limitations contained in section 17 hereof.

During continuance of lien property must not be removed

16. During the continuance of any lien no portion of the property affected thereby shall be removed to the prejudice of such lien and any attempt at such removal may be restrained on application to the court or judge.

Receipted pay rolls to be posted on works

17. No contractor or subcontractor shall be entitled to demand or receive any payment in respect of any contract where the

contract price exceeds \$500 until he or some person in charge of the works or improvements shall post upon the works or improvements a copy of the receipted pay roll, from the hour of 12 m. to the hour of 1 p.m. on the first legal day after pay day, and shall have delivered to the owner, or other person acting on his behalf, the original pay roll containing the names of all labourers who have done work for him upon such works or improvements, with a receipt in full from each of the said labourers, with the amounts which were due and had been paid to each of them set opposite their respective names, which pay roll may be in the form of schedule C hereto, and no payment made by the owner without the delivery of such pay roll shall be valid for the purpose of defeating or diminishing any lien upon such property, estate or interest in favour of any such labourer. No assignment by the contractor or any subcontractor of any moneys due in respect to the contract shall be valid as against any lien given by this Act. As to all liens, except that of the contractor, the whole contract price shall be payable in money, and shall not be diminished by any prior or subsequent indebtedness, offset or counterclaim in favour of the owner against the contractor:

Provided, however, that the failure to comply with the provisions of this section respecting the posting of the receipted pay roll and delivery of the same shall not prejudice the right of lien of the contractor or subcontractor so in default, or his right to maintain an action or other proceeding to enforce the same, but the court or judge on application may at any stage before trial order a stay of proceedings until proof be made to his satisfaction that all workmen employed by such contractor or subcontractor on such works or improvements have been paid in full, and may in such order limit the time within which such proof may be furnished, and if the same be not furnished to the satisfaction of such court or judge such action may be dismissed and in any such action or proceeding the court or judge may in his discretion award costs against the plaintiff in any event and notwithstanding that he may have successfully maintained his action to judgment. 1908, c. 20, s. 12.

ENFORCEMENT.

18. Any number of lienholders may be joined in one suit and all suits or proceedings brought by a lienholder shall be taken to be brought on behalf of all lienholders who may be made parties to such suits or proceedings within the time mentioned in section 35 hereof: Consolidation of liens

Provided that the moneys realized in such suit shall be distributed amongst the lienholders, parties to such suit or proceedings, in the order and manner provided in section 30 of this Act. Any lienholder not originally joined may be made a party to such suit or proceedings by order of a judge, upon *ex parte* application supported by an affidavit stating the particulars of the claim, and any lienholder so joined in any such suit or proceedings shall be deemed to have complied with section 35 of this Act as fully as if he had instituted a suit in his own behalf.

19. If more than one suit is commenced in respect of the same contract the owner or contractor shall apply to have the causes consolidated, and failing to do so he shall pay the costs Owner may apply to have suits consolidated

of such additional suit or suits. Save as hereinafter mentioned the owner complying with the provisions of this Act shall not be liable for any greater sum than he has agreed to pay by contract.

Judge may
order con-
solidation of
actions

20. If two or more actions are brought in respect of the same contract or work the court or judge may by order on the application of any person interested consolidate all the actions and may make such order as to costs as he shall think fit.

Summary
proceedings to
enforce liens

21. Proceedings to enforce a lien or liens under this Act may be taken before the court or a judge in a summary way by originating summons subject to the provisions in that behalf of *The Judicature Ordinance*, and of the rules of court, which are now or which shall hereafter be in force in the province. The court or judge upon the return of the summons may either proceed to take the accounts and make the necessary inquiries for the purpose of determining the matter, or he may try or direct the trial of any issue or issues in relation thereto as he shall think necessary, and he may give directions as to the conduct of any such issue, the parties thereto, pleadings, particulars, production and discovery therein (if any such proceedings be by him thought necessary) and any other directions he shall deem advisable for the proper disposal and trial thereof; and in default of payment of any amount that shall be found to be due the court or a judge may direct the sale of the estate or interest charged and such further proceedings may be taken for the purposes aforesaid as the court or judge may think proper, and any conveyance under the seal of such court or judge shall be effectual to pass the estate or interest sold and the fees and costs in all proceedings so taken shall be such as are payable according to the ordinary procedure of the said court, and except as herein otherwise provided the proceedings shall be as nearly as possible according to the practice and procedure in force in the said court. 1909, c. 4, s. 10.

Proceedings
by suit

22. Proceedings to enforce a lien or liens under this Act may also be taken by suit in the ordinary way, provided, however, that the court or judge before whom such action is tried may in dealing with the question of the costs of such action take into consideration the difference in costs occasioned by reason of an action having been brought instead of proceedings having been taken by originating summons as provided in section 21 hereof, and may make such order as to costs therein, both as between solicitor and client as well as between party and party as to him shall seem just. 1909, c. 4, s. 10.

Appeal to
Supreme
Court

23. There shall be an appeal to the Supreme Court *en banc* from the decision of the court or a judge hereunder in all matters where the amount of the lien or the total amount of the liens joined in one action or proceedings is \$200 or over, but where the amount of the lien or the total amount of the liens so joined is less than \$200 the decision of the court or judge or first instance shall be final. 1909, c. 4, s. 10.

Judgment for
amount of
claim

24. Upon the hearing of any claim for a lien the court or judge may so far as the parties before him, or any of them, are debtor and creditor give judgment against the former in favour

of the latter for any indebtedness or liability arising out of the claim in the same manner and to the same extent as if such indebtedness or liability had been sued upon in the said court in the ordinary way without reference to this Act.

25. Any person against whose property a lien has been registered under the provisions of this Act may apply to the court or judge on an affidavit setting forth the registry of the same, and that hardship or inconvenience is experienced or is likely to be experienced thereby, with the reasons for such statement, for a summons calling upon the opposite party to show cause why such lien should not be cancelled upon sufficient security being given. Such summons, together with a copy of the affidavit on which the same is granted, shall be served on the opposite party and made returnable in three days after the issuing thereof, or in such greater or less time as the judge may direct.

Summons to show cause why lien should not be cancelled

26. On the return of such summons the court or judge may order the cancellation of such lien, either in whole or in part, upon the giving of security by the party against whose property the said lien is registered to the opposite party in an amount satisfactory to the said court or judge, and upon such other terms, if any, as the court or judge may see fit to impose.

Judge may order cancellation of lien

27. The registrar in whose office the said lien is registered shall on the production of such order file the same and cause the said lien to be cancelled as to the property affected by the order.

On judge's order lien to be cancelled

28. When it shall appear to the court or judge in any proceedings to enforce a lien or liens under this Act that such proceedings have arisen from the failure of any owner or contractor to fulfil the terms of his contract or engagement for the work in respect of which the liens are sought to be enforced or to comply with the provisions of this Act such court or judge may order the said owner or contractor, or either of them, to pay all the costs of such proceedings in addition to the amount of the contract or subcontract, or wages due by him or them to any contractor, subcontractor or labourer, and may order a final judgment against such contractor or owner or either of them in default for such costs with execution as provided in section 21 of this Act.

In certain cases owner or contractor to pay costs

29. If the property sold in any proceedings under this Act shall be a leasehold interest the purchaser at any such sale shall be deemed to be the assignee of such lease.

Leasehold property

30. All moneys realized by proceedings under this Act shall be applied and distributed in the following order:

Distribution of moneys realized under Act

FIRST.—The costs of all the lienholders of and incidental to the proceedings, and of registering and proving the liens;

SECOND.—Six weeks' wages (if so much be owing) of all labourers employed by the owner, contractor or subcontractor;

THIRD.—The several amounts owing for material, placed or furnished, in respect of the works or improvements;

FOURTH.—The amounts owing the subcontractor and other persons employed by the owner and contractor;

FIFTH.—The amount owing the contractor.

(2) Each class of lienholders shall rank *pari passu* for their several amounts, and the portions of said moneys available for distribution shall be distributed among the lienholders *pro rata* according to their several classes and rights.

(3) Any balance of said moneys remaining after all the above amounts have been distributed shall be payable to the owner or other person legally entitled thereto:

Provided, however, that when any labourer has more than six weeks' wages owing to him by any subcontractor, contractor or owner, the court or judge shall cause the extra sum beyond six weeks' wages to be deducted out of any sum actually coming under the above distribution to such subcontractor, contractor or owner, and shall order the same to be paid to such labourer.

Device to
defeat priority
of wage-
earners void

31. Every device by an owner, contractor or subcontractor, adopted to defeat the priority given to wage-earners for their wages by this Act shall, as against such wage-earners, be null and void.

Owner's
liability as
to wages

32. No lien, except for not more than six weeks' wages in favour of labourers, shall attach so as to make the owner liable for a greater sum than the sum owing by the owner to the contractor at the time of the receipt by the owner or person having superintendence of the work on behalf of the owner, of notice in writing of such lien and of the amount thereof; or which may become owing by the owner to the contractor at any time subsequent thereto while such lien is in effect. 1908, c. 20, s. 12.

What latest
notice shall
contain

(2) Where more than one such notice is given by a lienholder to the owner in regard to material furnished to the same contractor the lienholder shall in the latest notice so given state the total amount or balance owing at the time of the giving of such latest notice by the contractor to the lienholder, and in default of such total amount or balance being so stated it shall, with respect to any payments made by the owner, be taken to be the amount of the lien mentioned in the said latest notice and no lien or liens of such lienholder shall attach so as to make the owner liable for more than the amount or the total amount or balance so ascertained. 1908, c. 20, s. 12.

Statement of
lienholder

(3) Where notice of a lien has been given as in this section provided the lienholder shall upon request furnish to the contractor or owner a statement in writing of the amount or balance due and payable in respect of the material, for the supplying or furnishing of which such lien is claimed, and no lien or liens of such lienholder for material supplied or furnished up to the time of the giving of such statement shall attach so as to make the owner liable for any greater sum than is so stated. 1908, c. 20, s. 12.

Court may
order state-
ment to be
given

(4) The contractor or owner may apply to the court by originating summons as set out in *The Judicature Ordinance*, to compel any lienholder who refuses or neglects to do so, to furnish such a statement as in the next preceding subsection required or with respect to the accuracy of any statement furnished in accordance with the provisions of this section, and the court may upon such application make such order in the premises and as to the costs of the application as to the court shall seem just. 1908, c. 20, s. 12.

33. Where any mechanic, artisan, machinist, builder, miner, contractor or any other person has furnished or procured materials for use in the construction, alteration or repair of any building, erection or mine at the request of and for some other person, such materials shall not be subject to execution or other process to enforce any debt (other than for the purchase thereof) due by the person furnishing or procuring such materials, and whether the same have or have not been in whole or in part worked into or made part of such building or erection. Materials exempt from execution

34. Every mechanic or other person who has bestowed money or skill and materials upon any chattel in the alteration and improvement of its properties, or increasing its value, so as thereby to become entitled to a lien upon such chattel or thing for the amount or value of the money, skill, or materials bestowed, shall, while such lien exists but not afterwards, in case the amount to which he is entitled remains unpaid for three months after the same ought to have been paid, have power to sell the chattel in respect of which the lien exists, on giving two weeks' notice by advertisement in a newspaper published in the city, town or judicial district in which the work was done, or in case there is no newspaper published in such city, town or judicial district, then in a newspaper published nearest thereto, stating the name of the person indebted, the amount of his indebtedness, a description of the chattel to be sold, the time and place of sale; and after such sale such mechanic or other person shall apply the proceeds of such sale in payment of the amount due to him, and the costs of advertising and sale, and shall pay over the surplus (if any) to the person entitled thereto on application being made to him therefor and a notice in writing of the result of the sale shall be left at or posted to the address of the owner at his last known place of abode or business. Enforcing liens for the improvement of chattels

EXPIRATION, CANCELLATION AND DISCHARGE.

35. Every lien in respect of which an affidavit has been filed against the title of any land or any interest therein shall be deemed to have lapsed after the expiration of sixty days after service, in the manner in which service of process is usually made and proved to the satisfaction of the registrar of land titles for the district in which the said affidavit has been filed, of a notice in form A in the schedule D to this Act, or to the like effect, shall have been made upon the lienholder, unless before the expiration of the said period of sixty days the lienholder shall have taken proceedings in court to enforce his lien and shall have filed or caused to have been filed a certificate thereof in form B in the schedule D to this Act, or to the like effect, in the land titles office for the said district: 1915, c. 2, s. 27. When a lien shall expire

Provided that the court or judge may, upon an *ex parte* application, shorten the said period of thirty days to such period as he shall specify in such order, and a copy of such order shall be served with the notice in this section referred to.

(2) Such certificate may be granted by the court or judge in which or before whom proceedings are instituted or by the clerk of such court. 1907, c. 5, s. 17. *Repealed and substituted* 1915, c. 2, s. 27.

When a registered lien shall be cancelled

36. The registrar of the land registration district shall on receiving a certificate under the seal of the clerk of the court wherein any action in respect of any lien registered in the land titles office within the jurisdiction of such registrar is pending, stating the names of the lienholders, parties to such action and that the amount due by the owner in respect of such liens has been ascertained and paid into court in pursuance of an order of such court or judge or that the property has been sold to realize such liens or that such lien has been improperly filed or that such lien has otherwise ceased to exist or, on receiving a statement in writing signed by the claimant or his agent that the lien has been satisfied, cancel all liens registered by such parties.

Receipted pay rolls of workman's wages must be produced

37. Every person making or entering into any contract, engagement or agreement with any other person for the purpose of furnishing, supplying or obtaining timber or logs, by which it is requisite or necessary to engage and employ workmen and labourers in the obtaining, supplying and furnishing such logs or timber as aforesaid shall before making any payment for or on behalf of; or under such contract, engagement or agreement, of any sum of money, or by kind, require such person to whom payment is to be made to produce and furnish a pay roll or sheet of the wages and amount due and owing and of the payment thereof, which pay roll or sheet may be in the form of schedule C annexed to this Act, or if not paid, the amount of wages or pay due and owing to all the workmen or labourers employed or engaged on or under such contract, engagement or agreement, at the time when the said logs or timber is delivered or taken in charge for or by or on behalf of the person so making such payment and receiving the timber or logs.

Persons not requiring production of receipted pay roll shall be liable at suit of workman

38. Any person making any payment under such contract, engagement or agreement without requiring the production of the pay roll or sheet as mentioned in section 37 of this Act shall be liable at the suit of any workman or labourer so engaged under said contract, engagement or agreement for the amount of pay so due and owing to the said workman or labourer under said contract, engagement or agreement.

Sums mentioned in pay roll as unpaid to be retained

39. The person to whom such pay roll or sheet is given shall retain for the use of the labourers or workmen whose names are set out in such pay roll or sheet the sums set opposite their respective names which have not been paid, and the receipt or receipts of such labourers or workmen shall be a sufficient discharge therefor.

Judges may make rules of court

40. The judges of the said court, or any two of them, may make general rules and regulations not inconsistent with this Act for expediting and facilitating the business before such court under this Act and for the advancement of the interests of suitors therein.

Construction of this Act

41. Nothing in this Act contained shall be construed to affect any mechanic's lien filed or registered or the rights or liabilities of any person by or against whose property any

mechanic's lien has been filed or registered prior to the coming into force of this Act; and all such liens may be enforced in the same manner as though this Act had not been passed.

42. Save as herein provided *The Mechanics' Lien Ordinance* Repeal of the North-West Territories and all amendments thereto are hereby repealed.

SCHEDULE A.

In the matter of *The Mechanics' Lien Act* and in the matter of a lien claimed by

I, of make oath and say:

1. That of claim a mechanic's lien against the property or interest herein aftermentioned whereof residing at is owner.

2. That the particulars of the work done or materials furnished are as follows:

3. That the work or materials were finished, furnished or discontinued on or about the day of

4. That the said was in the employment of contractor for the work in respect of which the lien is claimed, for days after the above mentioned date.

5. That the sum of dollars is owing to in respect of the same, and was or will be due on the day of

6. That the description of the property to be charged is as follows:
Sworn at Alberta, this day of A.D. before me.

1907, c. 5, s. 17.

SCHEDULE B.

(Repealed—1907, c. 5, s. 17.)

SCHEDULE C.

PAY ROLL.

Name	Description	From 5th Jan., 1891, to 10th Jan. 1891 (inclusive)			Am't paid	Date of payment	Received payment in full
		No. days employed	Rate per day	Total amount earned			
R. Roe		Six days	\$3.50	\$21.00	\$21.00	12th Jan. 1891	R. Roe

I hereby certify that the above statement is correct to the best of my knowledge and belief, and is made by me in compliance and in accordance with section 17 of *The Mechanics' Lien Act*, on account of (my contract to, or employment by, as the case may be). (Here insert brief description of the work) for (owner's name) up to the day of 19...

(Signed)
Contractor.

Dated day of 19....
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SCHEDULE D.

FORM A.

To.....:

Take notice that the mechanics' lien filed by you in the land titles office for the..... Alberta Land Registration District on the..... day of..... 19..., as D.B. No..... shall be deemed to have lapsed according to the provisions of section 35 of *The Mechanics' Lien Act* unless, within..... days from the date of service of this notice on you, you shall have taken proceedings in court to enforce such lien and shall have caused a certificate thereof to be filed as required by said section.

FORM B.

To the Registrar..... Alberta

Land Registration District:

This is to certify that proceedings have been taken in court to enforce a certain mechanic's lien filed by..... against..... (here describe lands),... which said lien was filed on the..... day of..... 19..., as D.B. No.....

..... (L.S.)
Clerk of the Court.

1915, c. 2, s. 27.

1906

CHAPTER 22.

An Act respecting The Dental Association of Alberta.

(Assented to May 9, 1906.)

WHEREAS the profession of dentistry is extensively practised in the Province of Alberta, and it is expedient for the protection of the public that a certain standard of qualification should be required of each practitioner of said profession, and that certain privileges and protection should be afforded to such practitioners;

Now therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Dental Association Act.*" Short title

ORGANIZATION.

2. There is hereby established and constituted in the Province of Alberta an association of Dental Surgeons under the name of The Alberta Dental Association, which shall be a body corporate and politic under the name of "The Alberta Dental Association," and shall be deemed to be a body corporate and politic, and by the said name shall have perpetual succession and a common seal, with power to break, alter, change or make new the same, and by the name aforesaid may sue and be sued, implead and be impleaded, answer and be answered unto in all courts and places whatsoever, and may have, hold, receive, enjoy, possess and retain for the purposes of said association all such sums of money as may at any time be given or bequeathed to and for the use of the same, and by the said name may purchase, take, hold and enjoy any real estate, or any estate or interest derived or arising out of real estate, for the purpose aforesaid and for no other purpose, and may sell, grant, lease or otherwise dispose of the same; but the real estate so held by the said association shall at no time exceed in annual value the sum of five thousand dollars.

3. The following persons shall be members of and shall constitute the said association, namely: Persons who shall be members

(a) Every person who, at the time of the coming into force of this Act is a duly qualified and registered member of The College of Dental Surgeons of the North-West Territories under the provisions of "*The Dental Profession Ordinance*," being chapter sixteen of the North-West Territories Ordinances of 1903 (Second Session), or under any other Ordinance of the Legislature of the North-West Territories relating to the said college; Every person duly qualified and registered, etc.

(b) Every person who shall hereafter be duly licensed and registered under the provisions of this Act. Everyone hereafter licensed and registered

BOARD OF DIRECTORS.

Board of
directors,
composition
of

4. There shall be a board of directors of said association, which shall consist of five members, who shall, except as hereinafter provided, hold office for two years. Except at the first election of directors after the passing of this Act, three of said directors shall be elected each second year. At the first election aforesaid five directors shall be elected, three of whom shall be elected to hold office for two years and two for one year. The three directors at such first election receiving the greatest number of votes shall be deemed to be elected for the two-year period, and the two receiving the next largest number of votes shall be deemed to be elected for the one-year period. In the event of a tie between any candidates at such election the president of the association, at the time such election is held, is authorized to determine which of the parties affected by the tie is elected, or which of such parties shall hold office for two years and which for one year. Any director may at any time resign by letter directed to the secretary; and in the event of any such resignation or of a vacancy occurring by death or otherwise the remaining members of the board, or a majority of such remaining members, shall elect some fit and proper person from among the members of the association to supply such vacancy.

Election
board

5. An election of directors of the said association shall be held at such place as shall be decided upon by the directors on the second Monday of July in every year, the first election after the passing of this Act being held on the second Monday in June, A.D. 1906. One month's notice of each election of directors shall be given by circular by the secretary to each member of the association, provided that any oversight or omission in giving such notice shall not void the election. If for any reason the election of directors shall not be held on the date specified in this Act, it shall be held on such date thereafter as shall be appointed by the directors or by any ten members of the association in writing by a letter addressed to the secretary. 1908, c. 20, s. 13, (1).

(a) In the event of the election of directors not being held on any of the days aforesaid, the directors in office shall continue to hold office until their successors are appointed.

(b) The members of the association may, at any election of directors, cast their ballots without being actually present at the place where the election is being held, provided that such ballots shall be sent or handed to the secretary of the association so as to be received by him prior to the hour fixed for the holding of an election. In the event of ballots so sent or handed they shall be signed by members of the association voting and shall set forth the names of the candidates for whom such member votes. In the event of any such ballot being marked for more names than there are vacancies, such ballot shall be rejected. Ballots so sent or handed shall be enclosed in an envelope and shall be so marked on the outside as to indicate that the envelope contains a ballot.

Qualification
of voters

6. The persons qualified to vote at the said election shall be those licentiates who have obtained certificates of license under the provisions of this Act or any of the Ordinances mentioned in section 3 hereof and who are at the date of such election duly registered under this Act.

7. Until such directors are appointed as herein provided, the directors elected at a convention of dentists of the Province of Alberta, held in Calgary during the month of October, 1905, namely: Doctors R. B. O'Sullivan, Calgary; R. C. McClure, Lethbridge; A. E. Aunger, Lacombe; E. M. Doyle, Calgary; O. F. Strong, Edmonton, shall be deemed to be the board of directors of the association, and may exercise all the rights and powers of such board until their successors are elected. ^{Provisional board}

8. The election of directors shall be by ballot, and the licentiates receiving the highest number of votes shall be the directors for the then ensuing term. ^{Voting to be by ballot}

9. The secretary of the association shall publish in *The Alberta Gazette* the names of those persons who have been elected members of the board of directors, such publication to be made in the issue of the said gazette appearing next after the said election shall have been held, or so soon thereafter as the secretary can reasonably cause the same to be published. ^{Publication of board}

OFFICERS.

10. The board of directors at their first meeting shall elect from among themselves a president, a vice-president and a secretary-treasurer-registrar. ^{Election of officers}

MEETINGS.

11. The board of directors of the association shall hold two meetings in each and every year in such place as may from time to time be fixed by the board. Such meetings shall be held on the second Monday in January and July of each year and may be continued or adjourned until the business before the board is disposed of. 1911-12, c. 28, s. 1. ^{Meetings of board for examination, etc.}

12. The said board shall have no power to transact any business of the association unless a majority of the members of such board be present. ^{Majority must be present}

POWERS OF THE BOARD.

13. The board of directors shall from time to time make such rules, regulations and by-laws as may be necessary for the better guidance, government, discipline and regulation of the said board and of the profession of dentistry and for the carrying out of this Act: ^{Rules, regulations, etc.}

Provided that such rules, regulations and by-laws shall, before coming into force, be approved by the Lieutenant Governor in Council.

14. (*Repealed*—1911-12, c. 28, s. 2.)

15. (*Repealed*—1911-12, c. 28, s. 2.)

16. The board shall also have the power and authority to fix and determine the period for which every student shall be articulated and employed under some duly licensed and registered practitioner, and to fix and determine the fees to be paid into the hands of the ^{Curriculum of studies}

treasurer of the association before the applicant shall receive a certificate of license to practise the profession of dentistry or to be entitled to registration under this Act, and also to fix the annual fee to be payable by each member of the association: 1911-12, c. 28, s. 3.

Provided that the fees hereinbefore mentioned shall not in any case exceed the following: Indenture fee, \$10.00; Registration fee, \$50.00; Annual fee, \$10.00. 1911-12, c. 28, s. 4.

Matriculation
examination
to be held
each year

17. The matriculation or preliminary examination as provided in the fifteenth section of this Act shall be passed by all students prior to entering into articles of indenture with a licentiate of dentistry, provided that a certificate from any recognized university of the Dominion of Canada that the intending student has matriculated according to the curriculum of any such university, or a certificate from the Department of Education that the candidate has a standing equal to that required for second class non-professional certificates of teachers, shall be taken in lieu of the matriculation or preliminary examination aforesaid. The commencement of the term of any articulated student shall date from the signing of his articles as aforesaid.

All candi-
dates for
license to be
examined

18. The board of directors shall, at its regular meetings, examine or cause to be examined all candidates for license to practise dentistry and for registration under this Act who present themselves pursuant to the provisions of the next succeeding sections.

Payment of
fees, etc.,
before
examination

19. Every person being desirous of being examined by the said board touching his qualifications for the practice of the said profession of dentistry shall, at least one month before the sitting of the said board, pay into the hands of the treasurer the required fees and furnish him satisfactory evidence of his term of apprenticeship having been fulfilled, and as to the applicant's integrity and good morals.

Who entitled
to a license

20. The following persons, upon payment of their required fees, shall be entitled to receive certificates of license to practise dentistry in this province from the board of directors of said association, namely:

Persons
entitled
to certifi-
cates

(a) Any person who is a graduate of any school or college of dentistry, or a member of any dental association recognized by order in council as hereinafter provided, and produces sufficient evidence of identity and fulfils the qualifications prescribed for students to indentureship, and passes the final examination prescribed for the admission of students to practise. 1908, c. 20, s. 13. (*Note.*—This would appear to be repealed by c. 28, 1911-12, but there is obviously some omission.)

Powers of
Lieutenant
Governor in
Council

(b) At any time after the passing of this Act the Lieutenant Governor may by order in council set forth and declare the names of such schools, colleges and associations the graduates of which shall be entitled to receive certificates of license as aforesaid, and may at any time by further order in council recognize any other school, college or association, or rescind any former order in council recognizing any such school, college or association, and until an order in council is passed refusing recognition to any school of dentistry of any of the provinces of the Dominion of Canada having authority by law to grant certificates of license or diplomas

to practise dentistry or any association or school having like powers in the United Kingdom of Great Britain and Ireland, any graduate or member of any such school or association who passes the final examination prescribed for admission of students to practise shall be entitled to receive a certificate of license as aforesaid. (*Note*.—This would appear to be repealed by c. 28, 1911-12, but there is obviously some omission.)

(c) The board of directors shall have power to appoint one or more members of the association as representatives of the association upon the Dominion Dental Council, and the board shall, so long as represented on the said council, accept the certificate of qualification of the said Dominion Dental Council as a qualification sufficient without further examination for the granting to the holder thereof of a license to practise dentistry in the Province of Alberta, provided such certificate is accompanied by satisfactory evidence of the good moral character of the applicant.

(d) If the certificate of the Dominion Dental Council of Canada issued to a practitioner who has procured a license under the provisions of this section is cancelled for any cause by the said council, the license of such practitioner to practise in Alberta shall be null and void and the board shall remove the name of such person from the register. 1911-12, c. 28, s. 5.

21. The board shall on receipt of a certificate from the Registrar of the University of Alberta, that the person to whom such certificate is issued is duly qualified to practise the profession of dentistry as herein provided, issue to such person a license to practise on payment by such person of the necessary registration fee: 1911-12, c. 28, s. 6.

Provided, however, that no certificate or license shall be granted to any person who is under twenty-one years of age.

22. Every license issued under the provisions of this Act shall be sealed with the corporate seal of the association and shall be signed by the registrar and the production of a license purporting to be so sealed and signed shall be *prima facie* evidence of the issue and contents thereof. 1911-12, c. 28, s. 7.

23. (*Repealed*—1911-12, c. 28, s. 8.)

EXAMINATIONS.

23. (a) The examination of candidates for admission to study and for admission to practise the profession of dentistry in the Province of Alberta shall be under the control of the University of Alberta, the examiners for this purpose being appointed by the Senate of the University. 1911-12, c. 28, s. 8.

(b) A candidate for admission to study shall be required to pass the matriculation examination in the Arts Faculty of the University of Alberta or to have an academic standing which in the opinion of the Senate of the University of Alberta is equivalent thereto. 1911-12, c. 28, s. 8.

(c) Except as hereinafter provided every person before being permitted to practise shall be required to pass an examination in the subjects prescribed by the Senate of the University of Alberta. 1911-12, c. 28, s. 8; 1913 (2nd Session), c. 2, s. 29.

(d) The examination of candidates for admission to study or to practise the profession of dentistry in the Province of Alberta

shall be held twice a year, one between the 1st and 15th of May, and the other between the 15th and 30th of September, the exact dates to be fixed by the Senate of the University of Alberta from time to time. 1911-12, c. 28, s. 8.

(e) Every person desirous of being examined whether for admission to study or to practice shall on or before the first day of April or on or before the fifteenth of August, according to the time the examination is to be held, pay to the Registrar of the University the required fees, and, in case of a candidate for admission to practice furnish him satisfactory evidence that his term of indentureship has been fulfilled, or of his right to take the examinations as provided in the next subsection, and also as to the applicant's integrity and good morals. 1911-12, c. 28, s. 8.

(f) The following persons upon payment of the required fees shall be entitled to receive licenses to practise dentistry in the province from the board of directors of the said association, namely:

Any person who is a graduate of any school or college of dentistry or a member of any dental association recognized by the Senate of the University of Alberta as hereinafter provided, and who produces sufficient evidence of identity and passes the final examination prescribed for admission to practice. 1911-12, c. 28, s. 8; 1913 (1st Session), c. 9, s. 12.

(g) The Senate of the University of Alberta may by resolution set forth and declare the names of such schools, colleges and associations the graduates or members of which shall be entitled to receive licenses as aforesaid, and may at any time by resolution recognize any other school, college or association, or rescind any former resolution recognizing any such school, college or association, and until such resolution is made by the Senate the schools, colleges or associations now recognized by law shall continue to be recognized by the University and by the board. 1911-12, c. 28, s. 8.

(h) On the passing of any examination by a candidate, or on the acceptance by the Senate of qualifications in lieu thereof as herein provided, the Registrar of the University shall notify the Registrar of the Dental Association, who shall take the necessary action in connection therewith. 1911-12, c. 28, s. 8.

23b. The board shall grant upon payment of the fees prescribed by the Act and an additional registration fee of \$5.00 an interim license entitling the person named therein to practise dentistry upon his producing a certificate from the Registrar of the University showing that he is entitled to write upon the next examination of candidates for admission to practise; provided that such interim certificate shall only continue in force until the holding of the next ensuing examination for admission to practise unless the same be thereafter extended by the board for a further period not exceeding one year, which shall be done upon recommendation from the Senate of the University of Alberta. 1913 (2nd Session), c. 2, s. 29.

REGISTER—REGISTRATION FEES.

24. Every person holding a valid and unforfeited certificate of license to practise dentistry under the provisions of this Act, and who on or before the second Monday of January in each year

Registration,
how made,
who entitled
to

shall have paid to the registrar appointed by the said board the required registration fee, or who, having during the then current year obtained a certificate of license from said association to practise the profession of dentistry, forthwith pays to the said registrar the required registration fee shall, subject to the other provisions of this Act be entitled to have his name entered in the register referred to in the next succeeding section of this Act; and a copy of such register, certified by the said registrar, shall be evidence in any court of justice in Alberta that the persons therein named are the members of the said association for the said year. 1911-12, c. 28, s. 9.

25. It shall be the duty of the registrar of the board, as nearly as possible in each year, to make a correct register, in the form in schedule A to this Act, of the names and addresses of all persons who may be entitled to registration under this Act as members of the said association for the then current year. 1911-12, c. 28, s. 10. Register to be kept

26. No person shall be entitled to have his name on the said register unless the registrar is satisfied by proper evidence that such person is entitled to be registered and any appeal from a decision of the registrar shall be decided by the board of directors of said association. Registrar to decide right subject to appeal

(2) (*Repealed*—1911-12, c. 28, s. 11.)

27. If it shall at any time be proved to the satisfaction of the said board that the name of any person has been improperly inserted in the register for the year, such name may be erased therefrom by order of said board. Name in properly inserted may be erased

28. Upon any person being registered under this Act he shall be entitled to receive a certificate under the corporate seal of said association and signed by the registrar, in the form in schedule B to this Act or to the like effect. Person registered entitled to certificate

28a. No member of the association shall in the practice of the profession of dentistry and dental surgery use any trade name or designation or corporate name or any distinguishing name for any premises in which he carries on the practice of his profession, but every such member shall, for all purposes in connection with his profession, use his own proper name. 1908, c. 20, s. 13; 1911-12, c. 28, s. 13.

28b. No company incorporated, registered or licensed under any of the Acts of the Province of Alberta regulating or respecting joint stock companies shall carry on or attempt or purport to carry on the practice of the profession of dentistry or dental surgery in the Province of Alberta, and no member of the association shall assist or enter the employ of any such company to carry on or attempt or purport to carry on such practice in any wise whatever.

28c. No member of the association shall publish, use or issue any advertisement, card, handbill, poster or sign calling attention to any particular style or mode of work or stating fees for materials or services.

NOTE.—Any violations of any of the provisions of the three next preceding sections of this Act shall render the member offending liable to the penalties provided in section 32 of this Act. 1911-12, c. 28, s. 14.

List of
licentiates to
be sent to
provincial
secretary

29. The secretary of the said association shall, on or before the first day of February in each and every year, enclose to the Provincial Secretary a certified list of the names of all persons then registered as members of the said association for the then current year.

WHO MAY PRACTISE.

Only
registered
persons
entitled to
practise

30. All persons registered under this Act, and no others, shall be entitled to practise the profession of dentistry in the Province of Alberta, and no person shall be entitled to any of the privileges of a licentiate or member of the said association, or to practise the profession of dentistry, who is in default in respect of any fees payable by him by virtue of this Act.

Only duly
qualified
practitioners
entitled to
recover
fees, etc.

31. No person shall be entitled to recover in any court of law for any professional services rendered or materials provided by him in the exercise of the profession of a dentist, unless he be a duly and legally qualified licentiate of dentistry and duly registered under the provisions of this Act.

FORFEITURE—PENALTY.

Persons not
holding a
proper
certificate
forbidden
to practise
under a
penalty

32. If any person not holding a valid certificate of license as aforesaid or not duly registered, shall practise within this province the said profession of dentistry, either publicly or privately, for hire, gain, or hope of reward, or shall voluntarily and falsely pretend to be a duly qualified licentiate of dentistry, or assume any title, addition or description implying or calculated to lead people to infer or believe him to be a duly qualified licentiate of dentistry, he shall be liable, upon conviction in a summary manner before any justice of the peace having jurisdiction where the offence is committed to penalty not exceeding two hundred dollars and not less than fifty dollars for the first offence, and for each and every subsequent offence to a penalty of four hundred dollars.

Charges of
misconduct
against a
licentiate

33. In case a charge is made against any licentiate of unprofessional conduct, or other misconduct provided for by the by-laws passed or to be passed under the provisions of any of said former Acts or this Act, the board of directors shall have power to hear and determine the same, and for this purpose to summon witnesses before them and administer an oath or affirmation to such witnesses; and if any licentiate shall be found guilty of the charge preferred against him he shall forfeit his certificate and title and the same shall be cancelled. Such forfeiture, however, may be annulled and the said license and all rights and privileges thereunder fully renewed and restored by said board in such manner and upon such conditions and terms as the said board shall think fit:

Provided, however, that nothing in this Act contained shall empower the said board to deal with any criminal or other offence provided for by law.

34. Any licentiate who shall be convicted of any malpractise shall forfeit his license and the same shall be cancelled; but the board shall have power to restore the same if it shall think fit and proper, notice of such restoration to be given for two weeks in some local newspaper to be determined upon by the board.

Forfeiture of license for malpractise

35. All prosecutions under the provisions hereof may be brought and heard before any justice of the peace having jurisdiction where the offence is committed, and such justice of the peace shall have power, in addition to the aforesaid penalty, to award payment of costs; and in case such penalty and costs be not paid forthwith after conviction he shall have power to issue a warrant of distress therefor against the goods and chattels of the party so convicted, and in default of distress to order imprisonment for any period not exceeding six months.

Before whom prosecution may be brought and how penalty recovered

36. Any penalties imposed by this Act may be also proceeded for and recovered by suit in any court of law having jurisdiction, and one-half of all penalties recovered shall be paid into the general revenue fund of the province and the remainder shall be paid to the treasurer of the said association and form part of the funds of the association. Any person may be complainant or prosecutor: 1914, c. 2, s. 8.

Penalties may also be recovered by suit

Provided always that every such prosecution shall be commenced within six months of the alleged offence.

37. In any such prosecution and trial the onus of proof as to being a legally qualified licentiate of dentistry and a duly registered member of said association is upon the person charged.

Onus of proof

38. Nothing in this Act contained shall interfere with the privileges conferred upon physicians and surgeons by the various Acts relating to the practice of medicine and surgery in this province; but in case a regular physician and surgeon shall desire to practise dentistry as a profession and to publicly avow himself as a practitioner of said profession of dentistry he shall first obtain a license from said board of directors by paying the necessary fees and passing an examination in operative and mechanical dentistry only.

Act not to interfere with certain privileges of physicians, surgeons, etc.

39. Nothing in this Act shall prevent any duly indentured and registered student of dentistry from receiving clinical instruction and practise under the personal supervision of a member of the said association.

A duly indentured student may receive instructions, etc.

MONEY—FEES.

40. All moneys forming part of the funds of the said association shall be paid to the treasurer and shall be applied to carry on the objects of this Act.

Treasurer to receive all association's funds

41. All fees that are now payable under the provisions of this Act and the Acts referred to in the third section of this Act and the by-laws of the said association shall continue to be payable until duly changed by the by-laws of the association pursuant to the provisions of this Act.

Present fees continued

FORMER BY-LAWS, ETC.

All rules, etc.,
continued

42. All rules, regulations and by-laws of the College of Dental Surgeons of the North-West Territories in force at the passing of this Act shall until the first meeting of the board of directors be the rules, regulations and by-laws of the said association.

SCHEDULES.

The following are the schedules referred to in this Act:

SCHEDULE A.

(Section 25.)

REGISTER.

Form of
register

NAME	RESIDENCE	QUALIFICATION
A. B.	Edmonton	Certificate of License, 15th March, 1895.
E. F.	Macleod	Member of (Stating name of college or school and where situate).

SCHEDULE B.

(Section 29.)

LICENSE.

I hereby certify that A.B., was on the day of, 19..., duly registered as a member of The Alberta Dental Association, and is authorized to practise his said profession up to the 31st day of December, 19..., subject to the provisions of "The Dental Association Act."

Corporate Seal
of the
Association.

(Signed), E.F.,

Registrar of the Alberta Dental Association.

1906

CHAPTER 23.

An Act respecting Steam Boilers.

(Repealed and substituted—1911-12, c. 9, s. 58.)

1906

CHAPTER 24.

An Act respecting Real Property in the Province of Alberta.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Preamble
Legislative Assembly of the Province of Alberta, enacts as
follows:

1. This Act may be cited as "*The Land Titles Act.*" Short title

2. (a) The expression "land" means lands, messuages, tene- Interpretation
ments, and hereditaments, corporeal and incorporeal, of every Land
nature and description, and every estate or interest therein, and
whether such estate or interest is legal or equitable, together with
all paths, passages, ways, watercourses, liberties, privileges, ease-
ments, mines, minerals, and quarries appertaining thereto, and
all trees and timber thereon and thereunder lying or being, unless
any such are specially excepted.

(b) The expression "owner" means any person or body corporate Owner
entitled to any freehold or other estate or interest in land, at
law or in equity, in possession, in futurity or expectancy.

(c) The expression "transfer" means the passing of any estate Transfer
or interest in land under this Act, whether for valuable con-
sideration or otherwise.

(d) The expression "transferor" means the person by whom Transferrer
any interest or estate in land is transferred, whether for value
or otherwise, and the expression "transferee" means the person Transferee
to whom any interest or estate in land is transferred whether
for value or otherwise.

(e) The expression "mortgage" means any charge on land Mortgage
created merely for securing a debt or loan.

(f) The expression "mortgagee" means the owner of a mort- Mortgagee
gage; and the expression "mortgagor" means the owner or Mortgagor
transferor of land, or of any estate or interest in land pledged
as security for a debt or a loan.

(g) The expression "encumbrance" means any charge on Encumbrance
land created or effected for any purpose whatever, inclusive
of mortgage, mechanics' liens, when authorized by Statute or
Ordinance, and executions against lands, unless expressly dis-
tinguished.

(h) The expression "encumbrancer" means the owner of any Encumbrancer
land or of any estate or interest in land subject to any encum-
brance; and the expression "encumbrancee" means the owner Encumbrancee
of an encumbrance.

(i) The expression "lunatic" means any person found by any Lunatic
competent tribunal or commission *de lunatico inquirendo*, to be
a lunatic.

(j) The expression "person of unsound mind" means any Person of
person not an infant who not having been found to be a lunatic unsound
mind

has been found on like inquiry to be incapable, from infirmity of mind, of managing his own affairs.

Instrument

(k) The expression "instrument" means any grant, certificate of title, conveyance, assurance, deed, map, plan, will, probate or exemplification of will, letters of administration, or an exemplification thereof, mortgage or encumbrance, or any other document in writing relating to or affecting the transfer of or other dealing with land or evidencing title thereto.

Register

(l) The expression "register" means the register of titles to land kept in accordance with this Act.

Registration

(m) The expression "registration" means (1) the bringing of lands under the provisions of this Act; and (2) the entering upon the certificate of title of a memorandum authorized by this Act of any document; and "filing" means the entering in the day book of any instrument.

Filing

Memorandum

(n) The expression "memorandum" means the endorsement upon the certificate of title and on the duplicate copy thereof of the particulars of any instrument presented for registration.

Certificate of title

(o) "Certificate of title" means the certificate (form E) granted by the registrar and entered and kept in the register; "duplicate" or "duplicate certificate" means the duplicate, delivered or issued to the person entitled thereto, of the certificate of title in the register.

Duplicate

Registrar

(p) The expression "registrar" means inspector of land titles offices, when acting as registrar, a registrar of titles, a deputy registrar or an assistant deputy registrar."

Territories

(q) The expression "Territories" means the North-West Territories, the district of Keewatin and all other Territories of Canada.

Court

(r) The expression "court" means any court authorized to adjudicate in the province in civil matters in which the title to real estate is in question.

Court of appeal

(s) The expression "Court of Appeal" means the Court of Appeal herein constituted.

Judge

(t) The expression "judge" means an official authorized in the province to adjudicate in civil matters in which the title to real estate is in question.

Transmission

(u) The expression "transmission" applies to change of ownership consequent upon death, lunacy, sale under execution, order of court, or other act of law, sale for arrears of taxes or upon any settlement or any legal succession in case of intestacy.

Grant

(v) The expression "grant" means any grant of Crown land, whether in fee or for years, and whether direct from His Majesty or pursuant to the provisions of any Statute.

Endorsed
Endorsement

(w) The expressions "endorsed" and "endorsement" apply to anything written upon any instrument or upon any paper attached thereto by the registrar.

Possession

(x) The expression "possession" when applied to persons claiming title to land means also alternatively the reception of the rents and profits thereof.

Affidavit

(y) The expression "affidavit" includes an affirmation when made by a person entitled to affirm.

Land
Registration-
Districts
North Alberta

3. For the purposes of this Act there shall be in the province two land registration districts, respectively known and described as follows: (1) "North Alberta Land Registration District," being composed of all that portion of the Province of Alberta

which lies to the north of the ninth (9th) correction line. (2) "South Alberta Land Registration District," being composed of ^{South Alberta} all that portion of the Province of Alberta which lies to the south of the ninth (9th) correction line.

4. The Lieutenant Governor in Council may, from time to time by proclamation, as the settlement of the country and the exigencies of the public service require, constitute any other ^{Provision for further registration districts} portion of the province a land registration district and declare by what local name the same shall be known and designated, and may also change the boundaries of existing districts.

(2) Whenever a new district has been constituted the registrar or registrars of the district or districts, from which the lands comprised in such new district have been detached, shall furnish to the said new district originals or certified copies of all registers, books or instruments, or of any certified copies of any registers, books or instruments in his office affecting lands which were in his district but are within the new district; and all such originals or certified copies shall, for all purposes, be of the same force and effect when deposited in the office of the new district as if they had been originally registered, deposited, filed or kept in that district.

(3) After a new district has been constituted, until such time as an office has been provided within such new district, all documents affecting lands within the new district may be filed, deposited, or registered in the office of the district from which the lands affected were detached and shall, for all purposes, be of the same force and effect as if filed, deposited, or registered in the office of the said new district.

5. The Lieutenant Governor in Council may provide in each registration district at the public expense, and may thereafter maintain, in a proper state of repair, a building of stone or brick, or partly of brick and partly of stone, to serve as the office of the registrar, and as the place of deposit and preservation of registers and other record books, certificates, instruments and documents connected with the registration of titles; and may fit up the said office with such fire-proof safes and other secure places as are necessary. ^{Construction, etc., of registration offices}

6. In each registration district at such place as the Lieutenant Governor in Council determines there shall be an office to be called the "Land Titles Office." ^{Land titles offices}

7. The Lieutenant Governor in Council may from time to time appoint an inspector of land titles offices whose duties shall be, under instructions from the Attorney General, to inspect the books and records of the several land titles offices, and to perform such other duties as he may be directed by the Attorney General to perform; and the said inspector may, in the discretion of the Attorney General, be directed to perform any duty which any registrar is empowered by this Act to perform; but no persons shall be appointed inspector of land titles offices unless he is when appointed a barrister, solicitor or advocate of at least three years' standing of one of the provinces of Canada. ^{Inspector of land titles offices}

Registrars
and their
assistants

8. The business of each land titles office shall be conducted by an officer to be called "the registrar" appointed by the Lieutenant Governor in Council, with such assistants and clerks as are necessary, and as the Lieutenant Governor in Council from time to time appoints.

Their
appointment

(2) Every registrar now acting in the province under the provisions of the Act of the Parliament of Canada known as *The Land Titles Act*, 1894, or hereafter to be appointed shall hold office during pleasure; but hereafter no person shall be appointed registrar unless he is a barrister, solicitor or advocate of at least three years' standing of one of the provinces of Canada.

Qualification

Appointment
of assistant
deputy
registrars

9. (a) The Lieutenant Governor in Council may from time to time appoint a deputy registrar and one or more assistant deputy registrars, who shall be known as first, second or third deputy registrar, or as the case may be, to assist a registrar under instructions from the latter and perform such duties as he shall from time to time assign to each of them.

(b) The deputy registrar may, in the event of illness or absence of the registrar, perform all the duties required by the Act to be done by the registrar;

(c) In case of death, resignation or removal from office of the registrar, the deputy registrar shall do and perform all the duties of a registrar until another registrar is appointed.

These
functionaries
attached to
Attorney
General's
department

Salaries, etc.

10. The inspector of land titles offices, the registrars, deputy registrars, and other necessary officers shall be attached to the Attorney General's department, and be under the control of the Attorney General, and their salaries, and such incidental expenses of carrying on this Act as are sanctioned by this Act or by the Lieutenant Governor in Council shall be paid out of moneys provided by the Legislative Assembly for that purpose.

Oath of
office

11. The inspector of land titles offices and every registrar, deputy registrar and assistant deputy registrar before he enters upon the execution of his office shall take before some judge or stipendiary magistrate in the province the oath of office in the form A in the schedule to this Act.

Security to
be furnished

12. Before the inspector of land titles offices or any registrar or deputy registrar or assistant deputy registrar is sworn into office he shall furnish to His Majesty security in a penal sum of not less than one thousand dollars for the true and faithful performance by the said inspector of land titles offices, registrar or deputy registrar or assistant deputy registrar, of his duty in respect of all things directed to be done by or required of the said inspector of land titles offices, registrar, or deputy registrar or assistant deputy registrar, respectively, by this Act to any law in that behalf; and the said security shall, in the discretion of the Attorney General, be either a joint and several bond of the inspector of land titles offices, registrar or deputy registrar or assistant deputy registrar, as the case may be, and of two sureties, or a guarantee bond of a guarantee company duly approved by the Lieutenant Governor in Council.

Bond to be
in duplicate

(2) Such bond or guarantee shall be in duplicate and shall be subject to the approval of the Lieutenant Governor in Council.

13. When the security to be so furnished is the joint and several bond of the inspector of land titles offices, registrar or deputy registrar or assistant deputy registrar, as the case may be, and two sureties, the same shall be executed under the hands and seals of the obligors in the form B in the schedule to this Act, and the sureties shall justify under oath in the form C in the said schedule; and the execution of the said bond shall be duly verified by the affidavit of a subscribing witness in the form D in the said schedule; and with the affidavits appended shall then be forthwith transmitted to the Provincial Secretary to be filed in his office.

Form of bond
Oath of sureties
Deposit of bond

14. The inspector of land titles offices and any registrar or deputy registrar or assistant deputy registrar shall when required by the Attorney General furnish such further or other security as is deemed expedient.

Further security may be required

15. Each registrar shall have a seal of office, approved by the Lieutenant Governor in Council, with which he shall seal all certificates of title, and he shall stamp all instruments which are presented to him for registration, showing the day, hour and minute of receiving the same.

Seal of office

16. The inspector of land titles offices or any registrar or deputy registrar or assistant deputy registrar within the district to which he is appointed may administer any oath or take any affirmation or declaration in lieu of an oath respecting titles to land from anyone entitled by law to affirm or declare.

Administration of oaths respecting title to land

17. Every registrar shall when required furnish under seal exemplifications, copies and abstracts of any instruments affecting lands which are deposited, filed or registered in his office, and every such exemplification or certified copy shall be received as evidence in the same manner and with the same effect as if the original was produced.

Copies and abstracts of instruments

(2) Every registrar shall when requested furnish under seal an abstract in form EE, showing in whose name any parcel of land stands, the number of the certificate of title and the instruments registered against the said land.

(3) Every registrar shall when requested furnish a general registrar's certificate under seal in form FF.

Registrar to furnish abstract

18. Neither the inspector of land titles offices, nor any registrar, deputy registrar or assistant deputy registrar or clerk in any land titles office shall directly or indirectly act as the agent of any person investing money and taking securities on land within any registration district, nor shall the inspector of land titles offices, nor any registrar, deputy registrar or clerk advise, for any fee or reward or otherwise, upon titles to land, nor practise as a conveyancer, nor shall he carry on or transact within the land titles office any business or occupation whatever other than his duties as such inspector, registrar, deputy registrar or clerk.

Officers and clerks not to be agents
Nor carry on any other business at their office

19. Every land titles office shall be kept open on all days (except Sundays and legal holidays) between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, except

Office days and hours

on Saturdays, when the said offices shall be closed at one o'clock in the afternoon during which times either the registrar or his deputy registrar shall be in attendance.

Keeping of
day book

20. The registrar shall keep a book or books which shall be called the "day book," and in which shall be entered by a short description every instrument relating to lands for which a certificate of title has issued or been applied for which is given in for registration, with the day, hour and minute of its so being given in; and for purposes of priority between mortgagees, transferees and others the time so entered shall be taken as the time of registration; and the registrar in entering memoranda upon the certificate of title embodied in the register and in endorsing a memorandum upon the duplicate shall take the time from the day book as the time of the registration.

Registration
only on
production of
a certificate
of title

Exceptions

(2) Unless required so to do by order of a court or a judge the registrar shall not receive or enter in the day book any instrument until the duplicate certificate of title for the lands affected is produced to him so as to enable him to enter the proper memorandum on such duplicate certificate, except executions against lands, caveats, mechanics' liens, transfers by a sheriff or municipal officer, or by order of a court or a judge, transfers on sales of lands for, taxes, maps or plans which do not require to be registered, or certificates or orders of a court or a judge, and except a mortgage or other encumbrance created by any person rightfully in possession of land prior to the issue of the grant from the Crown, or prior to the issue of transfer from the Hudson's Bay Company or from any company entitled to a grant of such lands from the Crown or to which letters patent from the Crown for such mortgaged lands have already issued, if there is produced to and left with the registrar, with the mortgage an affidavit made by the mortgagor in the form P in the schedule to this Act, and also in the case of lands mortgaged prior to the issue of transfer from the Hudson's Bay Company or other company as aforesaid a certificate from the land commissioner or other proper officer of such company that the purchase price of such mortgaged lands has been paid and that the applicant is entitled to a transfer in fee simple thereof from such company.

Keeping of
register

21. The registrar shall also keep a book or books which shall be called the "register" and shall enter therein all certificates of title, which shall be in the form E, shall constitute a separate folio of such book, and the registrar shall record therein the particulars of all instruments, dealings and other matters by this Act required to be registered or entered in the register and affecting the land included in such certificate of title.

When
registration
shall be
deemed to
be effected

22. Every grant shall be deemed and taken to be registered under the provisions and for the purposes of this Act so soon as the same has been marked by the registrar with the folio and volume on and in which it is embodied in the register, and every other instrument shall be deemed to be registered as soon as a memorandum of it has been entered in the register upon the folio constituted by the existing grant or certificate of title of such land.

Priority of
registered
instruments

23. Instruments registered in respect of or affecting the same land shall be entitled to priority the one over the other according

to the time of registration and not according to the date of execution; and the registrar, upon registration thereof, shall retain the same in his office, and so soon as registered every instrument shall become operative according to the tenor and intent thereof, and shall thereupon create, transfer, surrender, charge or discharge, as the case may be, the land or the estate or interest therein mentioned in the instrument.

24. Every memorandum entered in the register shall state the nature of the instrument to which such memorandum relates, the day, the hour and the minute of its registration, and the names of the parties thereto, and shall refer by number or symbol to such instrument, and shall be signed by the registrar.

25. Whenever a memorandum has been entered in the register the registrar shall make a like memorandum upon the duplicate when the same is presented to him for the purpose, and the registrar shall sign and seal such memorandum, which shall be received in all courts of law as conclusive evidence of its contents and that the instrument of which it is a memorandum has been duly registered under the provisions of this Act.

26. Whenever any land is granted in the province by the Crown and the letters patent therefor have been forwarded from the office whence the same are issued to the registrar of the registration district in which the land so granted is situated, the registrar shall retain the letters patent in his office; and a certificate of title, as provided by this Act, with any necessary qualifications shall be granted to the patentee:

Provided that in no case shall a first or subsequent certificate of title issue for more than fifty lots or for lots in more than one subdivision or for unsubdivided lands which are not contiguous, or which contain more than six hundred and forty acres.

(2) Where a person has obtained a patent under a homestead or under a homestead and pre-emption entry or under half-breed land scrip or military bounty land scrip in accordance with the Act of Parliament of Canada known as *The Dominion Lands Act*, and amendments thereto, a duplicate of such certificate of title shall be issued to such party free of all fees and charges by this Act provided to be paid and in the case of other patentees such duplicate certificate of title shall be issued upon the payment of such fees as are fixed or may from time to time be fixed by the Lieutenant Governor in Council.

(3) The notification to the Hudson's Bay Company by the Minister of the Interior under the provisions of *The Dominion Lands Act* of the survey and confirmation of the survey of any township or part of a township shall be accepted by a registrar as equivalent to and dealt with by him in all respects in the same manner as if the said notification were letters patent to and in favour of the said company granting to the said company in fee simple the sections or portions of sections to which they are entitled in such townships or parts of townships under the provisions of *The Dominion Lands Act*.

(4) A notification to the registrar from the Minister of the Interior of Canada that the land described therein has been granted to the Canadian Pacific Railway Company or to any other railway

company entitled to Dominion lands under authority of an Act of the Parliament of Canada shall be accepted by the registrar and dealt with by him in all respects as if the same were letters patent in favour of such company.

Registration of estate for life or for more than three years

(5) The owner of any estate leased or demised to him or to the person from whom he claims a title, for a life, or for lives, or for a term of more than three years, in any land for which the grant from the Crown has been registered, may apply to have his title registered and to have a certificate of title issued to him therefor under the provisions of this Act.

Notification by the Government of the province to be equivalent to letters patent

(6) A notification received by the registrar from the Minister of Public Works of the abandonment by the Crown of any roads or road allowances or trails which now are or which may hereafter be vested in the Crown in the right of the province, shall have the same effect as a patent issued by the Crown to the person in such notification mentioned as transferee and shall be so treated by the registrar. The notification shall state the nature of the grant and shall specify any mines, minerals, easements or rights which are excepted therefrom.

By-law expropriating land may be registered

(7) In case any land is expropriated or any street or portion of a street is closed by by-law of any municipality pursuant to any Ordinance of the Territories or Act of the Legislature of Alberta, a judge of the Supreme Court may direct that such by-law be registered in the land titles office for the land registration district in which the land or the street or portion of a street affected lies, and upon the by-law being registered the registrar upon payment of the proper fees shall give a certificate of title to the municipality for the land expropriated or the land comprised in the street or portion of the street closed by the by-law; provided that the judge before directing the registration of any such by-law may direct notice of the application of the municipality to be given to such persons as he deems interested therein.

(8) A certified copy of an order in council passed by the Dominion Government, or other notification that the land therein described in such order in council or notification has been granted to the province, shall have and be of the same effect as a patent issued by the Crown and shall be so treated by the registrar. 1913 (2nd Session), c. 2, s. 9.

Registration of title to land already granted

27. The owner of any estate or interest in any land whether legal or equitable, letters patent for which issued from the Crown before the first of January, one thousand eight hundred and eighty-seven, or which otherwise had prior to that date passed from the Crown, may apply to have his title registered under the provisions of this Act.

Registration of title

(2) If at the time of the grant of the certificate of title there are no registered encumbrances or conveyances affecting such land, the certificate may be granted to the patentee upon payment of such fees as are fixed in that behalf by tariff made from time to time by the Lieutenant Governor in Council, but no fees shall be payable therefor under the provisions of section one hundred and seventeen of this Act.

Fees

Application for registration form

28. The application therefor shall be made in writing in the form F in the schedule to this Act to the registrar of the registra-

tion district in which the land is situated; shall be verified by the affidavit in the form G in the schedule to this Act of the applicant or some one on his behalf and shall be accompanied by—

- (a) All deeds in possession of the applicant, if any;
- (b) A certificate showing all registrations affecting the title, down to the time when such application is filed, with copies of any registered documents the original whereof he is unable to produce;
- (c) A certificate from the sheriff showing that there is no execution in his hands against the applicant's lands;

Documents to be produced

(2) But in no case shall it be necessary for any applicant to produce copies of any documents under the foregoing provisions of this section if the originals of such documents are of record at the time when the application is made, in the office of the registrar to whom the application is made; provided that it shall not be necessary for the Hudson's Bay Company, in the case of any lands the title of which has passed to that company before the first day of January, one thousand eight hundred and eighty-seven, either by notification made under the provisions of subclause seven of clause twenty-two of *The Dominion Lands Act*, or by letters patent issued thereunder prior to that date to produce to the registrar any of the certificates mentioned in this section, if the application is accompanied by an affidavit, to be made by any officer of the company approved by the Attorney General, in the form H in the schedule of this Act.

Cases in which documents need not be produced

Proviso:
Hudson's
Bay Com-
pany lands

(3) For the purpose of such application all transfers of land executed in the manner in which transfers are required to be executed under this Act shall be taken to be effectual to vest the title to such land in the transferee therein mentioned.

Transfers vest title

29. Upon the filing of such application, if the applicant is the original grantee of the Crown of the land and no deed, transfer, mortgage or other encumbrance or instrument or caveat affecting the title thereto appears to have been recorded, or if not the original grantee, all the original title deeds are produced and no person other than the applicant is in actual possession of the land and no caveat has been registered, the registrar if he entertains no doubt as to the title of the applicant shall grant a certificate of title as hereinafter provided.

Delivery of certificate of title when applicant is the original grantee

(2) If there is any mortgage or encumbrance against the land at the date of the said application, the filing with the registrar of the original mortgage or the instrument creating the encumbrance or a copy of such mortgage or instrument having endorsed thereon or attached thereto a receipt for the payment of the amount thereby secured signed by the mortgagee or encumbrancee, attested by an affidavit of the witness, shall operate as a discharge of the security created by such mortgage or encumbrance.

Discharge of mortgage or encumbrance

(3) Such receipt may be in form I in the schedule to this Act.

Form of receipt

(4) If any person other than the applicant is admitted or appears to be interested in the land, then if such interest is by virtue of a mortgage, encumbrance, lease, or charge created by any other instrument and the instrument is at the time of the application of record in the office of the registrar to whom the application is made, or, if not of record, the instrument is produced to the registrar, and if the applicant desires to have his title

Conditions requisite for delivery of certificate of title, if any other person than the applicant is interested

registered, subject to the interest of such other person, the registrar, if he entertains no doubt as to the extent and nature of such interest or of the title of the applicant may register the title and grant a certificate of title and issue a duplicate certificate of title subject to such interest.

When the
interested
party con-
sents

(5) In any case where the person who is admitted or appears to be interested in land is a consenting party to an application, the registrar may, if he entertains no doubt as to the title of the applicant, grant a certificate of title, subject to the terms of the consent, provided that the consent shall be in writing by the consenting party in presence of a witness and attested in the manner provided for by this Act.

Other cases
to be referred
to judge

30. In all cases other than those provided for in the last preceding section, the registrar shall forthwith, having given the applicant a certificate of the filing of his application, transmit the application, with all evidence supplied, to the judge to be dealt with as hereinafter mentioned.

Judge to
examine
documents
and hear
the parties

Judge's
powers

31. The judge shall examine, without delay, all titles which are submitted to him, and for such purposes shall when necessary hear all persons interested and shall hear and consider the claims as against the applicant of any person who is in possession of the land; and he shall have and exercise all the powers for compelling the attendance of persons and the production of documents which usually appertain to courts of civil justice and the judges thereof in civil actions brought therein.

Filing of
adverse
claims

32. Any person having an adverse claim or a claim not recognized in the application for registration may at any time before the judge has approved of the applicant's title file with the registrar a short statement of his claim, verified by affidavit, and shall serve a copy thereof on the applicant, his advocate or agent.

Their
examination

33. If any adverse claim is filed the judge shall proceed to examine into and adjudicate thereon, and no certificate of title shall be granted until such adverse claim has been disposed of.

Judge may
direct
publication
of notice of
application

Delay

34. In any case before him the judge may direct that notice of the application be published in some newspaper or newspapers in such form and for such period as the judge thinks expedient and no order for registration shall be granted by him until after the expiration of at least four weeks from the first publication of the notice, if he has directed the same to be published.

Registration
to be ordered
if title
sufficient

35. The judge if satisfied with the applicant's title shall thereupon make an order directing the registrar, after the expiration of four weeks from the date thereof, unless in the meantime the order is appealed from, to register the same.

Duplicate
to be
delivered
to owner

36. After registration of a title the registrar upon application by the owner or his duly authorized agent shall make out, sign, officially seal and deliver to him a duplicate of the certificate of title in the register on which shall be entered all memoranda endorsed on or attached to the certificate of title.

37. Upon every transfer of land mentioned in a certificate of title the certificate of title to be granted shall be granted by the registrar and a duplicate shall be issued to the transferee on application.

Certificate of every subsequent transfer

38. Every owner or mortgagee of any land for which a certificate of title has been granted shall deliver to the registrar a memorandum in writing of some post office address within the province to which it shall be sufficient to mail all notices that under this Act are required to be sent to an owner or mortgagee; and every owner or mortgagee shall from time to time in like manner notify the registrar of any change in his address; and every owner shall, if required by the registrar to do so, before the delivery of any duplicate, sign a receipt therefor in his own handwriting or otherwise furnish the registrar with his signature so as to prevent personation as far as possible:

Owner or mortgagee to give post office address to registrar

Receipt to be given by owner

Provided that the registrar may proceed without such memorandum of address.

Proviso

39. Every certificate of title shall be made on a separate folio of the register, and upon every transfer of ownership the certificate of title of the transferrer and the duplicate thereof shall be cancelled and the certificate of title of the transferee shall thereupon be entered upon a new folio in the register; and the registrar shall note upon the folio of the title of the transferrer the number of the folio of the transferee's title and upon that of the transferee the number of the folio of the transferrer so that reference can be readily made from one to the other as occasion requires.

How entry of certificates are to be made in the register

EFFECT OF REGISTRATION.

40. In every instrument transferring, encumbering, or charging any land for which a certificate of title has been granted, there shall be implied the following covenant by the transferrer or encumbrancer, that is to say: That the transferrer or encumbrancer will do such acts and execute such instruments as in accordance with the provisions of this Act are necessary to give effect to all covenants, conditions and purposes expressly set forth in such instrument or by this Act declared to be implied against such person in instruments of a like nature.

Covenants implied in instruments relating to land

41. After a certificate of title has been granted for any land, no instrument until registered under this Act shall be effectual to pass any estate or interest in any land (except a leasehold interest for three years or for a less period) or render such land liable as security for the payment of money; but upon the registration of any instrument in the manner hereinbefore prescribed the estate or interest specified therein shall pass, or, as the case may be, the land shall become liable as security in manner and subject to the covenants, conditions and contingencies set forth and specified in such instrument or by this Act declared to be implied in instruments of a like nature.

Unregistered instruments ineffectual transfers

Effect of registration

42. The owner of land for which a certificate of title has been granted shall hold the same subject (in addition to the incidents implied by virtue of this Act) to such encumbrances, liens, estates or interests as are notified on the folio of the register which

Land affected only by obligation notified on certificate

Exceptions constitutes the certificate of title absolutely free from all other encumbrances, liens, estates or interests whatsoever, except in case of fraud wherein he has participated or colluded and except the estate or interest of an owner claiming the same land under a prior certificate of title granted under the provisions of this Act or granted under any law heretofore in force relating to title to real property.

Computation of priority (2) Such priority shall, in favour of any person in possession of land, be computed with reference to the grant or earliest certificate of title under which he or any person through whom he derives title has held such possession.

Implied conditions **43.** The land mentioned in any certificate of title granted under this Act shall by implication and without any special mention therein, unless the contrary is expressly declared, be subject to—

Reservations (a) Any subsisting reservations or exceptions contained in the original grant of the land from the Crown;

Municipal taxes, etc. (b) All unpaid taxes;

Public easements (c) Any public highway or right-of-way or other public easement, howsoever created upon, over or in respect of the land;

Leases under three years (d) Any subsisting lease or agreement for a lease for a period not exceeding three years, where there is actual occupation of the land under the same;

Registered decrees, etc. (e) Any decrees, orders or executions against or affecting the interest of the owner of the land which have been registered and maintained in force against the owner;

Right of expropriation (f) Any right of expropriation which may by Statute or Ordinance be vested in any person, body corporate, or His Majesty;

Easement (g) Any right-of-way or other easement granted or acquired under the provisions of any Act or law in force in the province.

Certificate to be conclusive evidence of title **44.** Every certificate of title granted under this Act shall (except in case of fraud wherein the owner has participated or colluded) so long as the same remains in force and uncanceled under this Act be conclusive evidence in all courts as against His Majesty and all persons whomsoever that the person named therein is entitled to the land included in the same, for the estate or interest therein specified, subject to the exceptions and reservations mentioned in the next preceding section, except so far as regards any portion of land by wrong description of boundaries or parcels included in such certificate of title and except as against any person claiming under a prior certificate of title granted under this Act or granted under any law heretofore in force relating to titles to real property in respect of the same land; and for the purpose of this section that person shall be deemed to claim under a prior certificate of title who is holder of or whose claim is derived directly or indirectly from the person who was the holder of the earliest certificate of title granted, notwithstanding that such certificate of title has been surrendered and a new certificate of title has been granted upon any transfer or other instrument.

Exceptions (except in case of fraud wherein the owner has participated or colluded) so long as the same remains in force and uncanceled under this Act be conclusive evidence in all courts as against His Majesty and all persons whomsoever that the person named therein is entitled to the land included in the same, for the estate or interest therein specified, subject to the exceptions and reservations mentioned in the next preceding section, except so far as regards any portion of land by wrong description of boundaries or parcels included in such certificate of title and except as against any person claiming under a prior certificate of title granted under this Act or granted under any law heretofore in force relating to titles to real property in respect of the same land; and for the purpose of this section that person shall be deemed to claim under a prior certificate of title who is holder of or whose claim is derived directly or indirectly from the person who was the holder of the earliest certificate of title granted, notwithstanding that such certificate of title has been surrendered and a new certificate of title has been granted upon any transfer or other instrument.

Holders of prior certificate

45. A purchaser, mortgagee or encumbrancee for valuable consideration shall not be affected by the omission to send any notice by this Act directed to be given or by the nonreceipt thereof. Omission to send notice

46. After the certificate of title for any land has been granted no instrument shall be effectual to pass any interest therein or to render the land liable as security for the payment of money as against any *bona fide* transferee of the land under this Act unless such instrument is executed in accordance with the provisions of this Act and is duly registered thereunder; and the registrar shall have power to decide whether any instrument which is presented to him for registration is substantially in conformity with the proper form in the schedule to this Act or not and to reject any instrument which he may decide for any reason to be unfit for registration. Instruments to be effectual must be in conformity with this Act

47. No memorandum or entry shall be made upon a certificate of title or upon the duplicate thereof of any notice of trusts, whether expressed, implied or constructive; but the registrar shall treat any instrument containing any such notice as if there was no trust; and the trustee or trustees therein named shall be deemed to be the absolute and beneficial owners of the land for the purposes of this Act. No trust to be registered

TRANSFERS.

48. When land for which a certificate of title has been granted is intended to be transferred, or any right-of-way or other easement is intended to be created or transferred, the owner may execute a transfer in the form J in the schedule to this Act, which transfer shall, for description of the land intended to be dealt with, refer to the certificate of title of the land or shall give such description as is sufficient to identify the same and shall contain an accurate statement of the estate, interest or easement intended to be transferred or created and a memorandum of each lease, mortgage and other encumbrance to which the land is subject. Form of transfer
Tenor of transfer

49. Whenever an easement or any incorporeal right in or over any land for which a certificate of title has been granted is created for the purpose of being annexed to or used and enjoyed together with other land for which a certificate of title has also been granted, the registrar shall make a memorandum of the interest creating such easement or incorporeal right upon the folio of the register which constitutes the existing certificates of title of such other land and upon the duplicate thereof. Easements to be mentioned on the certificate

50. If a transfer purports to transfer the transferrer's interest in the whole or part of the land mentioned in any certificate of title, the transferrer shall deliver up the duplicate certificate of title of the land and the registrar shall make a memorandum thereon and upon the certificate of title in the register cancelling the same, either wholly or partially according as the transfer purports to transfer the whole or part only of the interest of the transferrer in the said land, and setting forth the particulars of the transfer. Delivery and total or partial cancellation of certificate

Issue of new
certificate

Registrar
to retain
cancellation
certificate

Partially
cancelled
certificates

51. The registrar, upon cancelling any certificate of title either wholly or partially, pursuant to any transfer, shall grant to the transferee a certificate of title of the land mentioned in the transfer and issue to the transferee a duplicate thereof; and the registrar shall retain every transfer and cancelled duplicate certificate of title; but in the case of a partially cancelled certificate of title the registrar shall return the duplicate to the transferrer after the memorandum partially cancelling the same has been made thereon and upon the certificate of title in the register; or may whenever required thereto by the owner of an unsold portion of land in any partially cancelled certificate of title, or where such a course appears to the registrar more expedient, grant to such owner a certificate of title for such portion of which he is the owner, upon the delivery of the partially cancelled duplicate certificate of title to the registrar to be cancelled and retained.

Covenants to
be implied
in transfer

52. In every instrument transferring land, for which a certificate of title has been granted, subject to mortgage or encumbrance, there shall be implied the following covenant by the transferee both with the transferrer and the mortgagee, that is to say: That the transferee will pay the principal money, interest, annuity or rent charge secured by the mortgage or encumbrance, after the rate and at the time specified in the instrument creating the same, and will indemnify and keep harmless the transferrer from and against the principal sum or other moneys secured by such instrument and from and against the liability in respect of any of the covenants therein contained or under this Act implied, on the part of the transferrer.

Preparation
of plans

53. The registrar may require the owner of any land within his registration district desiring to transfer or otherwise deal with the same under the provisions of this Act to have the same surveyed by an Alberta land surveyor and to furnish to the registrar a plan of such survey made on tracing linen in black India ink, having the several measurements made thereon, and prepared upon one of the following scales:

(a) If the land proposed to be transferred or dealt with is of less area than one acre, then the map or plan shall be on a scale not less than one inch to two chains;

(b) If the land is of greater area than one acre, but not exceeding five acres, then the map or plan shall be on a scale not less than one inch to five chains;

(c) If the land is of greater area than five acres, but not exceeding eighty acres, then the map or plan shall be on a scale not less than one inch to ten chains.

(2) The plan shall be signed by the owner and certified by the Alberta land surveyor who made the survey represented by such plan in the form CC in the schedule to this Act, and the signature of both owner and surveyor shall be witnessed and attested in the manner hereinafter provided for the attestation of all instruments.

(3) The plan shall show all the original boundaries of the section, settlement lot or surveyed parcel of land of which the land desired to be dealt with is a part, with all angular and lineal measurements thereof and all information as to the original monuments found on the ground which are necessary to establish

the true position of such boundaries; provided, however, that if, in the opinion of the surveyor to the land titles office, it is not necessary to show all the said original boundaries in order to clearly determine the accurate position of the land desired to be dealt with, it shall be sufficient to show only such information in regard to said boundaries as he may determine to be necessary.

(4) If the owner neglects or refuses to comply with the requirements aforesaid the registrar shall not proceed with the registration of the transfer or other instrument until the requirements are complied with.

(5) Any plan which has been prepared in accordance with the provisions of any Act of the Parliament of Canada from time to time known as *The Railway Act* or of any other Act of the Parliament of Canada, and which has been lodged or filed with the registrar under or in accordance with the said provisions shall be dealt with and recognized by him in so far as it is capable of being dealt with and recognized, as if it had been prepared and filed or registered under and in accordance with the provisions of this Act.

(6) Any map or plan attested by the signature of the Superintendent General of Indian Affairs or his deputy and certified by a Dominion land surveyor to be a true copy of a plan of survey lodged or filed in the Department of Indian Affairs, of lands described as "Indian Lands" in the Act of the Parliament of Canada known as *The Indian Act*, shall be dealt with and recognized in accordance with the provisions of this section by the registrar of the land registration district in which the said lands are situated when the said map or plan has been lodged or filed with him, notwithstanding that *The Indian Act* does not expressly authorize the said map or plan to be so lodged or filed.

53a. All railway corporations shall deposit with the registrar of the land registration district within which such lands are situated plans in duplicate of the land required for their right-of-way and station grounds, or for any other railway purpose, before being granted certificates of title therefor, and such plan shall be in accordance with the following provisions:

(a) The plan shall be made on tracing linen in black India ink and vermilion red, and certified by a Dominion land surveyor in the form HH or by an Alberta land surveyor in the form CC in the schedule to this Act, according as the land dealt with is Dominion or patented land, and the signature of such surveyor shall be duly witnessed and attested in the manner provided for the attestation of instruments to be registered under this Act;

(b) The area taken from each quarter section, settlement lot, or parcel of land, as the case may be, shall be shown on the plan;

(c) The original boundaries of sections, settlement lots and parcels of land, together with the information as to monuments, on which the position of such lines was determined by the surveyor on the ground shall be shown on the plan; and a sufficient number of angular and lineal measurements to define the limits of the land taken for the right-of-way of such railway and to show their connection with each such original boundary shall also be shown;

(d) The land required for right-of-way shall be defined on the ground by iron posts placed on the southerly or westerly limit thereof, and such posts shall be placed at every change of direction of said limit and at the intersection of said limit with the southerly or westerly boundary of each road allowance or, where there is no road allowance, of each section, settlement lot or other surveyed parcel, whenever for any reason it is not possible to place such posts on the southerly or westerly limit of a right-of-way they shall be placed on the northerly or easterly limit thereof, and the plan shall show the location of these posts and, in the case of those placed on section, settlement lot or other land boundaries, the distance measured along such boundary from such posts to the nearest monument or post on such boundary;

(e) When the location of the railway is through land which has been subdivided and of which a plan has been registered under section 124 of this Act, the railway plan must show distinctly, as to all allotments taken in whole or in part for the right-of-way or station grounds or for any other railway purpose, the lines of such allotments according to such registered plan, and a sufficient number of angular and linear measurements to show the location and connection of the part required by the railway with the external boundaries of each allotment;

(f) The plan shall show the land required for right-of-way, station grounds, or other railway purposes coloured red;

(g) Notwithstanding anything in this section the registrar may accept transfers of land required for right-of-way and station grounds referring to any plan prepared prior to the first day of January, 1911, and signed by a Dominion land surveyor, or prepared subsequently to the said first day of January, 1911, and signed by an Alberta land surveyor, filed in his office on or before the first day of March, 1912, pursuant to *The Railway Act* of Canada, or *The Railway Act*, being chapter 8 of the Statutes of Alberta, 1907, if in his opinion the lands to be transferred are clearly and sufficiently defined and the centre line properly tied into the land boundaries of the section or other parcel of land, and all information and measurements necessary to locate the said lands upon the ground are shown upon the said plan.

LEASES.

54. When any land for which a certificate of title has been granted is intended to be leased or demised for a life or lives, or for a term of more than three years, the owner shall execute a lease in the form K in the schedule to this Act, and every such instrument shall, for description of the land intended to be dealt with, refer to the certificate of title of the land, or shall give such other description as is necessary to identify the land; and a right for the lessee to purchase the land therein described may be stipulated in the instrument; and in case the lessee pays the purchase money stipulated, and otherwise observes his covenants expressed and implied in the instrument, the lessor shall be bound to execute a transfer to such lessee of the land, and to perform all necessary acts by this Act prescribed for the purpose of transferring the land to the purchaser:

Provided always that no such lease of mortgaged or encumbered land shall be valid and binding against the mortgagee or

Form of
lease for
more than
3 years

Stipulation
of right to
purchase

Obligation
of lessor in
such case

Proviso as
to lease of
mortgaged
land

encumbrancee unless the mortgagee or encumbrancee has consented to the lease prior to the same being registered, or subsequently adopts the same.

55. In every such lease, unless a contrary intention appears therein, there shall be implied the following covenants by the lessee, that is to say: Covenants implied in lease

(a) That he will pay the rent thereby reserved at the times therein mentioned, and all rates and taxes which may be payable in respect of the demised land during the continuance of the lease; Payment of rent and taxes

(b) That he will at all times during the continuance of the lease keep and at the termination thereof yield up the demised land in good and tenantable repair, accidents and damage to buildings from fire, storm and tempest or other casualty and reasonable wear and tear excepted. Maintenance and repairs

56. In every such lease unless a different intention appears therein there shall also be implied the following powers in the lessor, that is to say: Implied powers of lessor

(a) That he may, by himself or his agents, enter upon the demised lands and view the state of repair thereof, and may serve upon the lessee, or leave at his last or usual place of abode, or upon the demised land, a notice in writing of any defect, requiring him within a reasonable time, to be therein mentioned, to repair the same, in so far as the tenant is bound to do so; Entry and view

(b) That in case the rent or any part thereof is in arrear for the space of two calendar months, or in case default is made in the fulfilment of any covenant, whether expressed or implied in such lease, on the part of the lessee, and is continued for the space of two calendar months, or in case the repairs required by such notice, as aforesaid, are not completed within the time therein specified, the lessor may enter upon and take possession of the demised land. Re-entry on default of payment of rent, etc.

57. In any such case the registrar, upon proof to his satisfaction of lawful re-entry and recovery of possession by a lessor, or his transferee by a legal proceeding, shall make a memorandum of the same upon the certificate or title and upon the duplicate thereof when presented to him for that purpose, and the estate of the lessee in such land shall thereupon determine, but without releasing the lessee from his liability in respect of the breach of any covenant in the lease, expressed or implied, and the registrar shall cancel the lease if delivered up to him for that purpose. Registrar's duty in case of re-entry

58. Whenever in any lease made under this Act the forms of words in column one of the form L in the schedule to this Act, and distinguished by any number therein, are used the lease shall be taken to have the same effect and be construed as if there had been inserted therein the form of words contained in column two of the said form and distinguished by the same number; and every such form shall be deemed a covenant by the covenantor with the covenantee and his transferees, binding the former and his heirs, executors, administrators and transferees; but it shall not be necessary in any such lease to insert any such number; and there may be introduced into or annexed to any of the forms in the first column any expressed exceptions from Covenants implied in lease under this Act

the same, or expressed qualifications thereof respectively, and the like exceptions or qualifications shall be taken to be made from or in corresponding forms in the second column.

Case of
surrender
effected
otherwise
than by
operation of
law

Registrar's
duty in such
case

Effect of
memorandum

Proviso, as
to mortgage

59. Whenever any lease or demise which is required to be registered by this Act is intended to be surrendered and the surrender thereof is effected otherwise than through the operation of a surrender in law, upon the production of the surrender in the form M in the schedule to this Act to the registrar he shall make a memorandum of the surrender upon the certificate of title in the register and upon the duplicate certificate; and when the memorandum has been so made the estate or interest of the lessee in the land shall vest in the lessor or in the person in whom, having regard to intervening circumstances, if any, the land would have vested if the lease had never been executed:

Provided that no lease subject to mortgage or encumbrance shall be surrendered without the consent of the mortgagee or encumbrancee.

MORTGAGES AND ENCUMBRANCES.

Form of
mortgage

Form of
encumbrance

Statement
necessary

Memoran-
dum to be
made on
certificate

Registration
of charges
created before
issue of grant

60. Whenever any land for which a certificate of title has been granted is intended to be charged or made security in favour of any mortgagee, the mortgagor shall execute a mortgage in form N in the schedule to this Act, or to the like effect; and whenever any such land is intended to be charged with or made security for the payment of an annuity, rent charge or sum of money, in favour of any encumbrancee, the encumbrancer shall execute an encumbrance in the form O in the schedule to this Act, or to the like effect; and every such instrument shall contain an accurate statement of the estate or interest intended to be mortgaged or encumbered, and shall for description of the land intended to be dealt with, refer to the certificate of title on which the estate or interest is held or shall give such other description as is necessary to identify the land, and a memorandum of the mortgage or encumbrance shall be made upon the certificate of title in the register and upon the duplicate certificate.

(2) Provided that there may be filed in the office of the registrar any mortgage or other encumbrance created by any person right-fully in possession of land prior to the issue of the grant from the Crown or prior to the issue of the transfer from the Hudson's Bay Company or from any company entitled to a grant of such lands from the Crown or to which letters patent from the Crown for such mortgaged lands have already issued, if there is produced to and left with the registrar with the mortgage an affidavit made by the mortgagor in the form P in the schedule to this Act, and also in the case of lands mortgaged prior to the issue or transfer from the Hudson's Bay Company or other company as aforesaid a certificate from the land commissioner or other proper officer of the company that the purchase price of such mortgaged lands has been paid and that the mortgagor is entitled to a transfer in fee simple therefor from such company; and the registrar shall, on registering the grant of lands so mortgaged, enter in the register and endorse upon the duplicate certificate of title before issuing it a memorandum of the mortgage or encumbrance; and when so entered the mortgage or encumbrance shall be as valid as if made subsequent to the issue of the grant or to the issue of

the transfer from the Hudson's Bay Company or from any company entitled to a grant of such lands from the Crown or to which letters patent from the Crown for such lands may have issued, as the case may be; and if more than one mortgage or encumbrance are filed they shall be registered in the order of time in which they have been filed in the said office.

(3) Provided, however, that nothing in this Act contained shall entitle a settler, who has entered for a homestead, or homestead and pre-emption under the provisions contained in *The Dominion Lands Act*, to mortgage the land entered for by him as a homestead or pre-emption prior to issue of a patent to him therefor; it being hereby declared that notwithstanding anything contained in this Act such mortgage is in the nature of an assignment or transfer which is prohibited by the said Act. Registration prohibited of transfers contrary to

61. A mortgage or encumbrance under this Act shall have effect as security but shall not operate as a transfer of the land thereby charged. Mortgage a security only

62. Proceedings to enforce payment of moneys secured by mortgage or encumbrance, or to enforce the observance of the covenants, agreements, stipulations or conditions contained in any mortgage or encumbrance, or for the sale of the lands mortgaged or encumbered, or to foreclose the estate, interest or claim of any person in or upon the land mortgaged or encumbered, as also proceedings to redeem or discharge any land from any such mortgage or encumbrance, may be had and taken in the Supreme Court of the North-West Territories or any court hereafter constituted exercising within the province the jurisdiction, powers and authority at the date of the passing of this Act exercised therein by the Supreme Court of the North-West Territories under the practice and procedure of the said court. 1915, c. 3, s. 1. Proceedings to foreclose redeem, etc.

62a. In case default is made in payment of the principal sum, interest, annuity or rent charge, or a part thereof secured by any mortgage or encumbrance registered under this Act, or in case default is made in the observance of any covenant expressed in any mortgage or encumbrance or herein declared to be implied in such instrument and in case such default continues for the space of one calendar month or for such longer period of time as may therein for that purpose be expressly limited, the mortgagee or encumbrancee may forthwith after giving the notice herein provided enter into possession of the lands and receive and take the rents, issues and profits thereof, and whether in or out of possession thereof may make any lease of the same or any part thereof as he may see fit 1915, c. 3, s. 2.

(2) Such notice shall declare the intention of the mortgagee or encumbrancee to so enter into possession and receive and take the rents, issues and profits as aforesaid, and shall contain a statement that in case default continues for the further space of two calendar months from the date of service of the notice, the mortgaged lands may be sold under the provisions of *The Land Titles Act*. 1915, c. 3, s. 2.

(3) The said notice may also require the mortgagor or encumbrancer and the other persons to whom the same is directed to pay within a time to be specified in such notice the money then due

or owing on such mortgage or encumbrance or to observe the covenants therein expressed or implied as the case may be. 1915, c. 3, s. 2.

(4) Such notice may also declare the intention of the mortgagee or encumbrancee to make an application for foreclosure as herein-after provided in case a sale of the lands by public auction shall prove abortive, and in case default in payment of the principal or interest secured by the mortgage or encumbrance shall be continued for six months after the time for payment mentioned in the mortgage or encumbrance. 1915, c. 3, s. 2.

(5) A copy of the notice shall be filed in the land titles office in which the mortgage or encumbrance is registered and shall be served upon the mortgagor or encumbrancer and upon every person appearing by the records of such land titles office at the time of filing such notice to have any mortgage, encumbrance or lien upon the land subsequent to the mortgage or encumbrance or any estate, right or interest therein subject to such mortgage or encumbrance or upon the legal representative of any such person. 1915, c. 3, s. 2.

(6) After such default in payment or in the observance of any covenant as aforesaid continuing for the further space of two calendar months from the date of service of such notice, such mortgagee or encumbrancee is hereby authorized and empowered to sell the land so mortgaged or encumbered or any part thereof, subject to the rights of any persons having any estate, right or interest therein having priority to the mortgage or encumbrance, in such manner as the registrar of land titles for the land registration district in which the mortgage or encumbrance is registered may direct and either altogether or in lots by public auction or private contract or by such modes of sale and subject to such terms and conditions as to expenses or otherwise as the registrar may think fit. 1915, c. 3, s. 2.

(7) Such mortgagee or encumbrancee may make and execute all such instruments as shall be necessary for the sale and enjoyment of the premises; and all such instruments shall be as valid and effectual as if the mortgagor or encumbrancer and the other persons upon whom the notice aforesaid is required to be served had made, done or executed the same and the receipt in writing of the mortgagee or encumbrancee shall be a sufficient discharge to the purchaser of such land, estate or interest or of any portion thereof, for so much of his purchase money as may thereby be expressed to be received, and no such person shall be answerable for the loss, misapplication or nonapplication or be obliged to see to the application of the purchase money by him paid, nor shall he be obliged to inquire as to the fact of any default or notice having been made or given as aforesaid, or how the purchase money to arise from the sale of any such land, estate or interest shall be applied. 1915, c. 3, s. 2.

(8) Such purchase money shall be applied: Firstly, in payment of the expenses incurred by such sale; secondly, in payment of the moneys which may then be due or owing to the mortgagee or encumbrancee; thirdly, in payment of the subsequent mortgages and encumbrances or liens, if any, in the order of their priority; and fourthly, the surplus, if any, shall be paid to the owner, mortgagor, or encumbrancer, as the case may be; or if payment cannot be so made such surplus shall be paid into the

Supreme Court in the district in which the land is situate to be paid out to the person or persons entitled thereto upon application in accordance with the practice of the said court. 1915, c. 3, s. 2.

(9) Upon the registration of any instrument executed by the mortgagee or encumbrancee for the purpose of such sale as aforesaid, the estate or interest of the owner of the land mortgaged or encumbered shall vest in the purchaser freed and discharged from all liability on account of such mortgage or encumbrance and of any mortgage, lien, charge or encumbrance created by any instrument registered subsequent thereto, and the purchaser shall be entitled to receive a certificate of title for the same. 1915, c. 3, s. 2.

(10) Whenever default has been made in payment of the principal or interest secured by a mortgage or encumbrance and such default shall be continued for six months after the time for payment mentioned in the mortgage or encumbrance, the mortgagee or encumbrancee may if he has given notice of his intention so to do as aforesaid make an application in writing to the registrar of land titles for the land registration district in which the mortgage or encumbrance is registered for an order for foreclosure. 1915, c. 3, s. 2.

(11) Such application for foreclosure shall state that such default in payment as aforesaid has been made and has continued for the period aforesaid; that the land mortgaged or encumbered has been offered for sale at public auction under the provisions of this Act; that the amount of the highest bid at such sale was not sufficient to satisfy the moneys secured by such mortgage or encumbrance together with the expenses occasioned by such sale, and that such notice as aforesaid declared the intention of the mortgagee or encumbrancee to make an application for foreclosure in case such sale proved abortive; and such application shall be accompanied by such proof of the matters stated by the applicant and by such other evidence as the said registrar may require. 1915, c. 3, s. 2.

(12) In case the notice as aforesaid has not declared the intention of the mortgagee or encumbrancee to make an application for foreclosure, another notice may be given declaring such intention if default in payment has continued for six months after the time for payment mentioned in the mortgage or encumbrance and in case a sale of the lands has proved abortive and when such subsequent notice has been given the application for foreclosure as herein provided may be proceeded with. 1915, c. 3, s. 2.

(13) Such subsequent notice shall be filed and served in the same manner and upon the same persons as provided for in subsection (5) hereof. 1915, c. 3, s. 2.

(14) Unless the registrar shall see fit to order otherwise the notice whether of intention to sell or to apply for a foreclosure order shall be served personally but in case any person required to be served cannot after due diligence be found the registrar may direct service of such notice by leaving the same on the mortgaged lands or by mailing the same in a sealed envelope by registered post directed to him or them at his or their last known address, or in such other manner as the registrar may direct; and in case any person required to be served is deceased

and such person has no legal representative, such notice shall be effectively served upon the public administrator for the district in which the lands subject to the mortgage or encumbrance are situate. 1915, c. 3, s. 2.

(15) On an application for foreclosure the registrar may if he considers it proper cause the notice to be published once in each of three consecutive weeks in such newspaper or newspapers as the registrar may direct and in one issue of *The Alberta Gazette* offering the said land for private sale and the registrar shall appoint a time not less than one month from the date of the first of such advertisements or in case there is no advertisement not less than one month from the date of such application upon and after which he may issue to such applicant an order for foreclosure unless in the interval a sufficient amount of money has been obtained from the sale of such land or paid by or on behalf of the owner, mortgagor or encumbrancer or interested party as aforesaid to satisfy the principal and interest and other moneys secured and all expenses occasioned by such sale and proceedings. 1915, c. 3, s. 2.

(16) Every order of foreclosure under the hand of the registrar when entered in the register shall have the effect of vesting in the mortgagee or encumbrancee the land mentioned in such order free from all right and equity of redemption on the part of the owner, mortgagor or encumbrancer or any person claiming through or under him subsequently to the mortgage or encumbrance; and such mortgagee or encumbrancee shall upon such entry being made be deemed a transferee of the land and become the owner thereof and be entitled to receive a certificate of title for the same. 1915, c. 3, s. 2.

(17) Where a mortgagor is entitled to redeem he shall on payment have the power to require the mortgagee instead of giving a discharge of the mortgage to transfer the mortgage to any third party as the mortgagor directs and the mortgagee shall be bound to transfer such mortgage to such third party. 1915, c. 3, s. 2.

(18) A judge of the Supreme Court or a master in chambers may, from time to time, upon such terms as he shall think fit, on summary application on notice to the mortgagee or encumbrancee by order stay any sale hereunder, and may, upon such terms as he shall think fit, on summary application on notice to the mortgagor or encumbrancer cancel any stay granted hereunder. 1915, c. 3, s. 2.

Registration
discharge of
land

63. Upon the production of any mortgage or encumbrance having endorsed thereon or attached thereto a receipt or acknowledgement in the form I in the schedule to this Act, signed by the mortgagee or encumbrancee, or where it is stated in the mortgage or encumbrance that the money has been advanced on joint account by the surviving mortgagee or encumbrancee and proved by the affidavit of an attesting witness, discharging the whole or any part of the land comprised in such instrument from the whole or any part of the principal sum or annuity secured thereby, or upon proof being made to the satisfaction of a judge of the payment of all or part of the moneys due on any mortgage or encumbrance, and the production to the registrar of a certificate signed by the judge to that effect, or upon the production of a

receipt or acknowledgement in the said form I, accompanied by evidence satisfactory to the registrar of the loss or destruction of the mortgage or encumbrance, the registrar shall thereupon make an entry on the certificate of title noting that such mortgage or encumbrance is discharged, wholly or partially, or that part of the land is discharged, as aforesaid, as the case requires; and upon such entry being so made the land or the estate or interest in the land or the portion of the land mentioned or referred to in such endorsement as aforesaid shall cease to be subject to or liable for such principal sum or annuity, or, as the case may be, for the part thereof mentioned in such entry as discharged.

Entry by registrar

Its effect

64. Upon proof of the death of the annuitant, or of the occurrence of the event or circumstance upon which in accordance with the provisions of any encumbrance the annuity or sum of money thereby secured ceases to be payable, and upon proof that all arrears of the said annuity and interest or money have been paid, satisfied, or discharged, the registrar shall, upon the order of a judge, make a memorandum upon the certificate of title in the register that such annuity or sum of money is satisfied and discharged and shall cancel such instrument, and upon such memorandum being made the land shall cease to be subject to or liable for such annuity or sum of money, and the registrar shall in any or either such case as aforesaid endorse on the duplicate certificate of title a similar memorandum whenever such duplicate certificate of title is presented to him for that purpose.

Extinction of an annuity, etc.

Proof

Cancellation

65. If any mortgagor becomes entitled to pay off the mortgage money, and the registered mortgagee is absent from the province and there is no person authorized by registered power of attorney to give a receipt to the mortgagor for the mortgage money after the date appointed for the redemption of any mortgage, the judge on application to him and proof of the facts and of the amount due for principal and interest upon the mortgage may direct the payment into a chartered bank having a branch or agency in the district, or if not in the district in the province, of the mortgage money, with all arrears of interest then due thereon, to the credit of the mortgagee or other person entitled thereto; and thereupon the interest upon the mortgage shall cease to run or accrue.

Order for payment into a chartered bank in case of absence etc., of mortgagee

Cessation of the interest

(2) The registrar shall upon presentation of the judge's order and of the receipt of the manager or agent of the bank for the amount of the said mortgage money and interest make a memorandum upon the certificate of title in the register discharging such mortgage, stating the day, hour and minute on which such memorandum is made.

Memorandum by registrar

(3) Such memorandum shall be a valid discharge of the mortgage.

Effect

(4) The registrar shall, when such order and receipt are presented to him, send a notice of the fact to the mortgagee by letter addressed by mail to his last known place of abode.

Notice of mortgage

(5) The registrar shall endorse on the duplicate certificate of title and also on the mortgage whenever those instruments are produced to him the several particulars to be endorsed upon each of such instruments respectively.

Endorsements by registrar

Payment to
be full
discharge

(6) After payment as aforesaid of any mortgage money and interest the mortgagee entitled thereto shall not recover any further sum in respect of such mortgage than the amount so paid.

Form, regis-
tration and
priority of
transfers of
mortgage

66. Mortgages, encumbrances and leases of land for which a certificate of title has been granted may be transferred by a transfer executed in the form Q in the schedule to this Act, and the transfer shall be registered in the same manner as mortgages, encumbrances and leases are registered; and transferees shall have priority according to the time of registration.

Partial
transfer of
sum
secured

(2) Any mortgagee may transfer a part of the sum secured by the mortgage by a transfer executed in the form R in the schedule to this Act, and the part so transferred shall continue to be secured by the mortgage and may be given priority over the remaining part or may be deferred or may continue to rank equally with it under the security of the original mortgage, as stated in the transfer; and the registrar shall enter on the certificate of title a memorandum of the amount of the mortgage so transferred the name of the transferee, and how the sum so transferred is to rank, and shall notify the mortgagor of the facts.

Effect of
registration
of transfer

67. Upon the registration of a transfer of any mortgage, encumbrance or lease, the estate or interest of the transferor, as set forth in such instrument, with all the rights, powers and privileges thereto belonging or appertaining, shall pass to the transferee, and such transferee shall thereupon become subject to and liable for all and every the same requirements and liabilities to which he would have been subject and liable if named in such instrument.

Rights of
transferee

68. By virtue of every such transfer the right to sue upon any mortgage or other instrument, and to recover any debt, sum of money, annuity or damage thereunder, and all interest at the time of such transfer in any such debt, sum of money, annuity or damages, shall be transferred so as to vest the same in law in the transferee thereof:

Proviso
as to trusts

Provided always that nothing herein contained shall prevent the court from giving effect to any trusts affecting the said debt, sum of money, annuity or damages, in case the said transferee shall hold the same as trustee for any other person.

Implied
covenants as
to repairs
and entry

69. In every mortgage there shall be implied against the mortgagor remaining in possession a covenant that he will repair and keep in repair all buildings or other improvements erected and made upon the land, and that the mortgagee may at all convenient times until the mortgage is redeemed be at liberty, with or without surveyors or others, to enter into or upon the land to view and inspect the state of repair of the buildings or improvements.

Covenants
implied in
mortgages
under this
Act

70. Whenever in a mortgage made under this Act the form of words in column one of the form S in the said schedule to this Act, and distinguished by any number therein are used, such mortgage shall be taken to have the same effect and be construed as if there had been inserted therein the form of words contained

in column two of the said form and distinguished by the same number; and every such form shall be deemed a covenant by the covenantor with the covenantee and his transferees, binding the former and his heirs, executors, administrators and transferees; but it shall not be necessary in any such mortgage to insert any such number; and there may be introduced into or annexed to any of the forms in the first column any expressed exceptions from the same or expressed qualifications thereof respectively, and the like exceptions or qualifications shall be taken to be made from or in the corresponding forms in the second column.

71. In every case where land is subject to a mortgage or encumbrance signed by the owner, the duplicate certificate of title shall be deposited with the registrar who shall retain the same on behalf of all persons interested in the land mentioned in such certificate. The registrar shall if desired furnish to the owner of such mortgage or encumbrance a certificate of charge in form GG hereto; and before any instrument dealing with or discharging the said mortgage or encumbrance is registered, except in the case provided for by section 65 of this Act, said certificate of charge shall be delivered up to the registrar to be cancelled:

When land encumbered registrar to retain duplicate certificate

Provided, however, that the registrar may dispense with such production upon satisfactory evidence being produced of the loss or destruction of any such certificate.

POWERS OF ATTORNEY.

72. The owner of any land may authorize and appoint any person to act for him or on his behalf with respect to the transfer or other dealing with such land or with any part thereof, in accordance with the provisions of this Act, by executing a power of attorney in the form T in the schedule to this Act, or as near thereto as circumstances permit, or in any form heretofore in use for the like purpose in which the land is not specially mentioned and described but is mentioned and referred to in general terms, any of which forms of power of attorney the registrar shall register; and if the land referred to in any form of power of attorney is specifically and properly described, the registrar shall make a memorandum upon the certificate of title and upon the duplicate certificate of the particulars therein contained and of the time of its registration; and until such power of attorney in which the land referred to is so specifically described is revoked in the manner provided by the next following section, the right of the owner to transfer or to otherwise deal with the land shall be suspended:

Form of power of attorney

Registration

Owner's power suspended until revocation

Provided that the execution or registration of a general power of attorney shall not in any way affect the right of the owner to transfer or otherwise deal with his land.

Proviso

73. Any such power of attorney may be revoked by a revocation in the form U in the schedule to this Act; and the registrar shall not give effect to any transfer or other instrument signed pursuant to such power of attorney after the registration of a revocation of such power.

Form of revocation

Transmis-
sion of title
on death

74. Wherever the owner of any land for which a certificate of title has been granted dies such land shall subject to the provisions of this Act vest in the personal representative of the deceased owner.

(2) Such personal representative shall before dealing with such land make application in writing (executed by himself or his solicitor) to the registrar to be registered as owner and shall produce to and leave with the registrar the duplicate certificate of title for the lands in respect of which the application is made and probate of the will of the deceased owner, or letters of administration, or the order of court authorizing him to administer the estate of the deceased owner or a notarial copy of the will of the deceased made in notarial or authentic form, executed within the Province of Quebec, the original of which is filed in any notarial office, or a duly certified copy of the said probate, letters of administration or order, as the case may be, for the purpose of this Act the probate of a will granted by the proper court of any province of the Dominion of Canada, or of the United Kingdom of Great Britain and Ireland, or an exemplification thereof, shall be sufficient, if the same shall have been resealed with the seal of the court in the Province of Alberta having jurisdiction in such matters.

(2a) Such personal representative shall also produce to, and leave with the registrar, a certificate of the Provincial Treasurer to the effect that all succession duties in respect of the said land, if any, have been paid or security given for the payment thereof. 1914, c. 2, s. 9.

(3) The registrar shall thereupon enter upon the said certificate of title and upon the duplicate thereof a memorial of the application for transmission the date of the probate, letters of administration, order of the court or notarial will, the date and hour of the production to him of the same and such other particulars as he may deem necessary and shall also note the fact of registration by the usual memorandum under his hand on the said probate, letters of administration, order or notarial will.

(4) Upon such memorandum being made the executor or administrator, as the case may be, shall be deemed to be the owner of the land and the registrar shall cancel the said certificate of title in the name of the deceased owner, and grant to the executor or administrator aforesaid, as such, a new certificate of title and issue to him a duplicate certificate.

(5) The title of the executor or administrator to the lands shall relate back and take effect from the date of the death of the deceased owner.

(6) If the certificate of title for the land has not been granted to the deceased owner the personal representatives before being entitled to be registered under this section shall bring the land under this Act in the ordinary way. But no certificate of title shall be granted in respect thereof, unless such personal representative shall produce to and leave with the registrar a certificate of the Provincial Treasurer that all succession duties in respect of the said land, if any, have been paid, or security given for the payment thereof. 1914, c. 2, s. 9.

Certificate
as to
succession
duties

Mortgage, etc.
transmitted
by will or
intestacy

75. Whenever any mortgage, encumbrance or lease affecting land, for which a certificate of title has been granted, is trans-

mitted in consequence of the will or intestacy of the owner thereof, the probate of the will of the deceased owner, or letters of administration, or the order of the court authorizing a person as aforesaid to administer the estate of the deceased owner, or a notarial copy of the will of the deceased made in a notarial or authentic form, executed within the Province of Quebec, the original of which is filed in any notarial office, or an office copy of the said probate, letters of administration, or order, as the case may be, accompanied by an application in writing from the executor or administrator, or such other person as aforesaid, claiming to be registered as owner in respect of such estate or interest, together with a certificate of the Provincial Treasurer to the effect that all succession duties in respect of the said mortgage, encumbrance, or lease, as the case may be, if any, have been paid or security given for the payment thereof, shall be produced to and left with the registrar, who shall thereupon make a memorandum upon the certificate of title and upon the duplicate thereof of the date of the will and of the probate, or of the letters of administration, or order of the court as aforesaid, the date, hour and minute of the production of the same to him, with such other particulars as he deems necessary. 1914, c. 2, s. 9.

Mode of
registration

Certificate
as to
succession
duties

Memorandum
to be made

(2) Upon such memorandum being made, the executor, or administrator, or such other person, as the case may be, shall be deemed to be the owner of the mortgage, encumbrance or lease; and the registrar shall note the fact of the registration by memorandum under his hand on the letters of administration, probate or order as aforesaid.

Effect of
registration

76. Any person registered in place of a deceased owner shall hold the land in respect of which he is registered upon the trusts and for the purposes to which the same is applicable by this Act or by law, and subject to any trusts and equities upon which the deceased owner held the same; but for the purpose of any registered dealings with such land he shall be deemed to be the absolute and beneficial owner thereof.

Land subject
to trusts,
how held

(2) Any person beneficially interested in any such land may apply to a court or judge having jurisdiction to have the same taken out of the hands of the trustee having charge by law of such land and transferred to some other person or persons; and the court or judge, upon reasonable cause being shown, shall name some suitable person or persons as owner of the land; and upon the person or persons so named accepting the ownership and giving approved security for the due fulfilment of the trusts, the court or a judge may order the registrar to cancel the certificate of title to the trustee, and to grant a new certificate of title to the person or persons so named.

Court may
change
trustees

Security to
be given
by them

(3) The registrar upon the production of the order, shall cancel the certificate of title to the trustee after making thereon and upon the duplicate thereof a memorandum of the appointment by order of the court or judge of such person or persons as owners, and shall grant a new certificate of title to such new trustee and issue to him a duplicate certificate of title.

Cancellation
of old
certificate,
delivery of
new one

EXECUTIONS.

77. The sheriff, or any duly qualified officer, after the delivery to him of any execution or other writ affecting land, if a copy of

Duties of
sheriff in
case of
seizure of
land

such writ has not already been delivered or transmitted to the registrar, shall, on payment to him of fifty cents by the execution creditor named therein, provided that said writ is in force, forthwith deliver or transmit by registered letter to the registrar a copy of the writ and of all endorsements thereon certified under his hand and seal of office, if any; and no land shall be bound by any such writ until the receipt by the registrar for the registration district in which such land is situated of a copy thereof, either prior to this Act, under the law then in force or subsequent hereto; but from and after the receipt by him of such copy no certificate of title shall be granted and no transfer, mortgage, encumbrance, lease or other instrument executed by the execution debtor of such land shall be effectual except subject to the rights of the execution creditor under the writ while the same is legally in force; and the registrar on granting a certificate of title and on registering any transfer, mortgage, or other instrument executed by the debtor affecting such land, shall by memoranda upon the certificate of title in the register and on the duplicate issued by him express that such certificate, transfer, mortgage, or other instrument is subject to such rights:

Proviso:
renewal
of writs

Provided that every writ or renewal thereof shall cease to bind or affect land at the expiration of two years from the date of the receipt thereof issued prior to the first day of September, 1914 by the registrar of the district in which the land is situated unless before the expiration of such period of two years a renewal of such writ is filed with the registrar in the same manner as the original is required to be filed with him:

Provided further that all writs of execution or renewals thereof now in the lands of the registrars of land registration districts under any law heretofore in force relating to title to real property shall be and be taken to have been effectual to bind or affect the land only during the period of two years from the date of such writ or renewal thereof, issued prior to the first day of September, 1914; provided that every new writ of execution and every renewal of a writ issued or renewed on or after the first day of September, 1914, shall remain in force so long as the judgment on which it is issued remains in force. 1914, c. 2, s. 9.

Register to
be kept of
sheriff's
writs

(2) The registrar shall keep a book in convenient form in which shall be entered according to the dates when respectively received a record of all copies of writs received by him from the sheriff or other officer as aforesaid whether so received prior to this Act or subsequent thereto; and such book shall be kept indexed showing in alphabetical order the names of the persons whose lands are affected by such writs with the day and hour and minute of such receipt. 1914, c. 2, s. 9.

Satisfaction
of writ, etc.

78. Upon the satisfaction or withdrawal from his hands of any writ, the sheriff or other duly qualified officer shall on payment to him of fifty cents forthwith transmit to the registrar a certificate under his official seal, if any, to that effect, and upon the production and delivery to the registrar of such certificate, or of a judge's order, showing the expiration, satisfaction or withdrawal of the writ as against the whole or any portion of the land so bound, the registrar shall make a memorandum upon the certificate of title to that effect if the land has been brought under the provisions of this Act, and, if not, upon or opposite to the entry of the writ in

Memorandum
to be made on
certificate
or in book
of writs

the book to be kept under the provisions of the next preceding section; and thenceforth such land or portion of land shall be deemed to be absolutely released and discharged from the writ. Discharge of land

SHERIFF'S SALES.

79. No sale by a sheriff or other officer as aforesaid, under process of law, of any land for which a certificate of title has been granted shall be of any effect until the same has been confirmed by the court or a judge; but when any such land is sold under the process of law, the registrar, upon the production to him of the transfer of the same in the form V in the schedule to this Act, with proof of the due execution thereof, and with an order of the confirmation of such sale endorsed upon the transfer or attached thereto, shall after the expiration of four weeks after receiving the same register the transfer, cancel the existing certificate of title wholly, or in part if less than the whole of the land comprised therein be sold, grant a certificate of title to the transferee, and issue to him a duplicate certificate in the prescribed form, unless such registration is in the meantime stayed by the order of the court or judge, and in such case the registration shall not be made except according to the order, and direction of the said court or judge. Confirmation of sheriff's sale by court
Registrar's duties
Issue of new certificate
Unless stayed by the court

80. A transfer of such land so sold under process of law or for arrear of taxes as hereinafter provided shall be registered within a period of two months of the date of the order of confirmation, unless this period be extended by order filed with the registrar of the court or a judge; and shall cease to be valid as against the owner of the land so sold and any person or persons claiming by, from or through him, if not registered within that period, or within the time fixed by such order. Registration of transfer of land sold by sheriff

81. The application for confirmation of a sale of such land so made under any process of law may be made by the sheriff or other officer making the sale or by any person interested in the sale, on notice to the owner, unless the judge to whom the application is made dispenses with such notice; and if the sale is confirmed the costs of confirmation shall be borne and paid out of the purchase money, or as the judge directs; but in case the sale is not confirmed the purchase money paid by him shall be refunded to the purchaser; and the judge may make such order as to the costs of all parties to the sale and of the application for its confirmation as he thinks just. Application for confirmation of sale
Costs
If sale is not confirmed

SALE FOR TAXES.

82. When any land for which a certificate of title has been granted is sold for taxes the purchaser may at any time after the sale lodge a caveat against the transfer of the land; and upon the completion of the time allowed by law for redemption and upon the production of the transfer of the land in the prescribed form for tax sales in the form V in the schedule to this Act, with proof of the due execution thereof by the proper officer and a judge's order confirming such sale, the procedure for obtaining which shall be the same as hereinbefore provided in case of a sheriff's sale, the registrar shall, after the expiration of four weeks from

the delivery to him of the transfer and judge's order of confirmation, register the transferee as absolute owner of the land so sold and shall cancel the certificate of title in whole or in part as the case requires, grant a new certificate of title to the transferee, and shall issue to the purchaser a duplicate certificate, unless the registration has in the meantime been stopped by order of a judge.

Registration
in conse-
quence of
marriage of
a female
owner

83. Upon production to the registrar of a duplicate certificate of title issued to a female, accompanied with a statement in writing of her marriage, giving the date of such marriage, the place where solemnized, and her husband's full name with his residence and occupation, verified by oath or affirmation and the production of a certificate of the marriage by the person who solemnized the same, and such further evidence as the registrar may require, or upon production to the registrar of such evidence as would be sufficient to establish the marriage in any court in the province and on an application to the registrar to grant a new certificate of title, he shall file the same and at once cancel the existing certificate of title, as also the duplicate, and shall make a memorandum of each of the facts; and the registrar shall thereupon grant a new certificate of title to the applicant owner in her newly acquired surname in which her husband's full name, residence and occupation shall be given and shall issue to her a duplicate certificate.

Transmis-
sion in case
of assign-
ment for
benefit of
creditors

83a. Upon any assignment being made by the owner of any land, mortgage or encumbrance for the benefit of his creditors, the assignee or trustee of such owner may register such assignment and may at any time thereafter make an application to the registrar to be registered as owner of any such land, mortgage or encumbrance, and the registrar may, pursuant to such application, transmit any such land, mortgage or encumbrance to such assignee or trustee, who shall thereupon become the owner thereof and shall be invested with all the rights and powers which the assignor was possessed of, and his title shall relate back and take effect as from the date of the assignment; but the registrar shall not, in issuing a certificate of title to such assignee or in any entries he may make regarding any such transmission, refer to the fact that the new owner is such assignee or trustee, or that he holds any such land, mortgage or encumbrance for any other than his own absolute use, and for the purpose of any registered dealing therewith he shall be deemed to be the absolute owner thereof.

Title to
relate back

CAVEATS.

Who may
file a caveat

84. Any person claiming to be interested under any will, settlement or trust deed, or any instrument of transfer or transmission or under an unregistered instrument or under an execution where the execution creditor seeks to affect land in which the execution debtor is interested beneficially but the title to which is registered in the name of some other person or otherwise howsoever in any land, mortgage or encumbrance, may cause to be filed on his behalf with the registrar a caveat in form W in the schedule to this Act against the registration of any person as

Form

transferee or owner of, or of any instrument affecting, such estate or interest, unless such instrument be expressed to be subject to the claim of the caveator.

85. Every caveat filed with the registrar shall state the name and addition of the person by whom or on whose behalf the same is filed and except in the case of a caveat filed by the registrar as hereinafter provided shall be signed by the caveator, his attorney or agent and shall state some address or place within the province at which notices and proceedings relating to such caveat or the subject matter thereof may be served and the nature of the interest claimed and the grounds upon which such claim is founded, and shall be supported by an affidavit that in the belief of the deponent the person by whom or on whose behalf the caveat is filed has a good valid claim in respect of the land, mortgage or encumbrance intended to be affected by the same, and that the caveat is not filed for the purpose of delaying or embarrassing the applicant, or owner, or any person claiming through him, which affidavit or declaration may be in the form X in the schedule to this Act.

Contents of the caveat
Affidavit in support
Form

86. Upon the receipt of a caveat the registrar shall enter the same in the day-book and shall make a memorandum thereof upon the certificate of title of the land affected by such caveat and shall forthwith send a notice of the caveat and of the interest claimed thereunder through the post office or otherwise to the person against whose title the caveat has been lodged; but in the case of a caveat before registration of title under this Act the registrar shall on receipt thereof enter the same in a book to be kept by him in which shall be entered all instruments affecting land as to which no title has yet issued.

Duties of registrar on receipt of caveat

87. So long as any caveat remains in force the registrar shall not register an instrument purporting to affect the land, mortgage or encumbrance in respect to which such caveat is lodged, unless such instrument be expressed to be subject to the claim of the caveator.

Effect of caveat

88. The caveator, or in case the caveat is signed by his attorney or agent, such attorney or agent may by notice in writing to the registrar withdraw his caveat at any time, and the registrar shall forthwith give notice in writing of such withdrawal by mail or otherwise to the caveatee.

Withdrawal of the caveat

89. Except in the case of a caveat lodged by the registrar, as hereinafter provided, every caveat lodged against any land, mortgage or encumbrance shall be deemed to have lapsed after the expiration of sixty days after notice, proved to the satisfaction of the registrar, has been either served as process is usually served or sent by registered mail in the form Y in the schedule to this Act or to like effect to the caveator at or to the address stated in the caveat to take proceedings in court on his caveat, unless before the expiration of the said period of sixty days the caveator takes proceedings in court by originating summons subject to the provisions of *The Judicature Ordinance* of the North-West Terri-

Lapse of caveat after notice

tories, or otherwise, to substantiate the title, estate, interest or lien claimed by his caveat and a judge's order in such proceedings has been filed with the registrar continuing such caveat:

Provided that the court or judge may upon an *ex parte* application shorten the said period of sixty days to such period as he shall specify in such order, and a copy of such order shall be served or mailed with the notice in this section referred to.

Judge may
extend
time for
proceedings
on caveat

90. At any time before the expiration of the time limited for proceeding upon a caveat upon application to be made by way of summons to a judge, the judge for sufficient cause shown, and subject to such conditions as may seem proper, may extend the time for proceeding upon such caveat for a further period to be specified in the order made upon such application.

Application
to discharge
caveat

91. In the case of a caveat filed, except a caveat filed by the registrar as hereinafter provided, the applicant or owner may at any time apply to the court or a judge by originating summons, subject to the provisions of *The Judicature Ordinance* of the North-West Territories, calling upon the caveator to show cause why such caveat should not be discharged; and upon the hearing of such application the said court or judge may make such order in the premises and as to costs as to such court or judge may seem just.

Security
may be
ordered

92. In any proceedings in respect of a caveat the court or judge may order that the caveator give such undertaking or security as such court or judge may consider sufficient to indemnify every person against any damage that may be sustained by reason of any disposition of the property being delayed, or to answer the costs of the caveatee, and may direct the register to delay registering any instrument dealing with the land, mortgage or encumbrance during such time as the order of such court or judge provides, or may direct the caveator to take further proceedings by action or otherwise upon his caveat, or may make such other order as may be just.

Caveat filed
on agreement
for sale not
to be removed
unless default
has been
made under
agreement

93. In any proceedings taken in consequence of the filing of a caveat if it be made to appear to the court or judge that the caveator or person on whose behalf the caveat has been filed by the registrar, as hereinafter provided, claims an interest in the land, mortgage or encumbrance by virtue of any contract in writing for the sale and purchase of such land, mortgage or encumbrance, signed by the vendor thereof or by his lawfully authorized agent or by virtue of an assignment of such contract, duly attested in the manner provided for in sections 102 and 103 of this Act, and that there has been no default under the terms of such contract, or if any default has been made that such default has been cured before the return of the application to the court or judge then the court or judge may, and unless it otherwise appears to be a case in which the caveat should be removed, shall refuse to order the removal of such caveat.

(2) An assignor of such a contract may apply to remove a caveat filed by his assignee in cases in which default has been made under any covenant or agreement entered into by such assignee.

94. Any person, other than the registrar, filing or continuing any caveat without reasonable cause shall be liable to make compensation to any person who may have sustained damage thereby; and such compensation may be recovered by action if the caveator have withdrawn such caveat and no proceedings have been taken by the caveator or caveatee as herein provided, but if such proceedings have been taken then such compensation shall be decided by the court or judge in such proceedings whether the caveat have been withdrawn or not. Compensation in case of caveat filed wrongfully

95. It shall not be lawful, except as hereafter mentioned, for the same person, or for any one on his behalf, to file more than one caveat in respect of the same matter; but nothing herein contained shall prejudice the right of the registrar to enter any caveat under the powers vested in him by this Act; and a judge may, if he thinks proper, upon application made to him for that purpose and upon such terms as to costs or otherwise as he may consider just, order that a new caveat be filed, and such order shall fix a time within which the caveator must proceed upon such caveat. Only one caveat to be filed

96. In the case of a caveat filed by the registrar as hereinafter provided the applicant or owner may apply to the court or a judge by originating summons as provided for by *The Judicature Ordinance* of the North-West Territories to be served upon the person on whose behalf such caveat has been filed for an order that such caveat be withdrawn or discharged; and in case such person on whose behalf such caveat has been filed is an infant, lunatic or person of unsound mind, without guardian or committee Representation of infants, etc. such court or judge may by an *ex parte* order direct that such summons be served on the official guardian, or some other person to be named therein and may impose upon the applicant such terms as to the costs of such guardian or other person appointed by such order as may seem just; and upon such application such court or judge may make such order in the premises, either dismissing such application, discharging or withdrawing such caveat, or directing any of the parties to commence proceedings by action or otherwise as to the said court or judge may seem just and proper.

97. Registration by way of caveat, whether by the registrar or by any caveator, shall have the same effect as to priority as the registration of any instrument under this Act, and the registrar may in his discretion allow the withdrawal of such caveat at any time and the registration in lieu thereof of the instrument under which the person on whose behalf such caveat was lodged claims his title or interest, provided such instrument is an instrument that may be registered under this Act; and if the withdrawal of such caveat and the registration of such instrument is simultaneous, the same priority shall be preserved to all rights under the instrument as the same rights were entitled to under the caveat. Priority of registration by way of caveat

98. Any person claiming an interest in any land, mortgage or encumbrance, may in lieu of, or after filing a caveat, proceed by way of action to enforce his claim. Action may be taken

Memorandum to be made by registrar on withdrawal

99. Upon the withdrawal, lapse or removal of any caveat, or upon the making of any order by the court or judge in connection therewith, a memorandum of such withdrawal, lapse, removal or order, as the case may be, shall be made by the registrar upon the certificate of title and upon the duplicate certificate thereof.

Caveat filed by registrar

100. The registrar may file a caveat on behalf of His Majesty, or on behalf of any person who may be under any disability, to prohibit the transfer or dealing with any land belonging or supposed to belong to the Crown or to any such person, and also to prohibit the dealing with any land in any case in which it shall appear to him that an error has been made in any certificate of title or other instrument, or for the prevention of any fraud or improper dealing.

Contracts in writing assignable

101. Any contract in writing for the sale and purchase of any land, mortgage or encumbrance shall notwithstanding anything to the contrary therein contained be assignable, and any assignment of any such contract shall operate according to its terms to transfer to the assignee therein mentioned all the right, title and interest of the assignor both at law and in equity subject to the conditions and stipulations in such assignment contained:

Provided, however, that nothing herein contained shall affect any rights at law or in equity of the original vendor or owner of the land, mortgage or encumbrance, until notice in writing of such assignment has been either sent to him by registered mail or served upon him in the way process is usually served; and the notice mentioned in section 86 hereof shall be deemed to be such notice.

Application of section

(2) This section shall apply to written agreements, or contracts in writing, for the sale and purchase of any land, mortgage or encumbrance entered into before, as well as after, the passing of this Act.

ATTESTATION OF INSTRUMENTS.

Attestation within the province

102. Every instrument executed within the limits of the province other than the notifications referred to in section 26, subsection 6 hereof, instruments under the seal of any corporation, caveats, orders of a court or judge, executions, or certificates of any judicial proceedings, attested as such, requiring to be registered under this Act, shall be witnessed by one person who shall sign his name to the instrument as a witness, and who shall appear before the inspector of land titles offices or the registrar or deputy registrar of the registration district in which the land is situated or before a judge, stipendiary magistrate, notary public, commissioner for taking affidavits, or a justice of the peace in or for the province, and make an affidavit in the form Z in the schedule to this Act.

Witness

Form of affidavit

(2) Any document executed by a corporation, notwithstanding anything to the contrary in the Act, Statute, charter or memorandum and articles of association incorporating such corporation, shall for the purposes of this Act be deemed to be sufficiently executed if sealed with the corporate seal of such corporation and countersigned by at least one officer of the corporation.

103. Every instrument executed without the limits of the province, other than grants from the Crown, order in council, instruments under the seal of any corporation, or caveats required to be registered under the provisions of this Act, shall be witnessed by one person who shall sign his name to the instrument as a witness, and who shall appear before one of the following persons and make an affidavit in the said form Z:

(a) If made in any province of Canada, before a judge of any court of record, any commissioner authorized to take affidavits in such province for use in any court of record in this province, or before any notary public under his official seal; or

(b) If made in Great Britain or Ireland, before a judge of the Supreme Court of Judicature in England or Ireland, or of the Court of Sessions or of the Judiciary Court in Scotland, or a judge of any of the county courts within his county, or the mayor of any city or incorporated town, under the common seal of such city or town, or before any commissioner in Great Britain or Ireland, authorized to take affidavits therein, for use in any court of record in the province, or a notary public under his official seal; or

(c) If made in any British colony or possession out of Canada, before a judge of any court of record, the mayor of any city or incorporated town under the common seal of such city or town, or notary public under his official seal; or

(d) If made in any foreign country, before the mayor of any city or incorporated town, under the common seal of any such city or town, or before the British consul, vice-consul or consular agent residing therein, or before any judge of any court of record or a notary public under his official seal:

Provided that the court or a judge may, upon being satisfied of the due execution of any instrument, whether such instrument has been executed within or without the limits of the province, authorize the registration of the same, notwithstanding that the proof of such execution may be defective under the provisions of this or of the next preceding section hereof.

REMEDIAL PROCEEDINGS.

Ejectment.

104. No action of ejectment or other action for the recovery of any land for which a certificate of title has been granted shall lie or be sustained against the owner under this Act in respect thereof, except in any of the following cases, that is to say:

- (a) The case of a mortgagee as against a mortgagor in default;
- (b) The case of an encumbrancee as against an encumbrancer in default;
- (c) The case of a lessor as against a lessee in default;
- (d) The case of a person deprived of any land by fraud as against the owner of such land through fraud, or as against a person deriving title otherwise than as a transferee *bona fide* for value, from or through such owner through fraud;
- (e) The case of a person deprived of or claiming any land included in any grant or certificate of title of other land by misdescription of such other land or of its boundaries, as against the owner of such other land;

Double
registration

(f) The case of an owner claiming under an instrument of title prior in date of registration under this Act, or under the provisions of any law heretofore in force in any case in which two or more grants, or two or more certificates of title, or a grant and certificate of title, are registered under this Act or under any such law in respect to the same land.

In other
cases certi-
cate absolute
bar to action

(2) In any case, other than as aforesaid, the production of the certificate of title or a certified copy thereof shall be an absolute bar and estoppel to any such action against the person named in such certificate of title as owner or lessee of the land therein described.

Indemnifi-
cation of
person
deprived of
land by
fraud, etc.

105. After a certificate of title has been granted therefor any person deprived of any land in consequence of fraud or by the registration of any other person as owner of such land, or in consequence of any fraud, error, omission, or misdescription in any certificate of title or in any memorandum thereon or upon the duplicate thereof, may, in any case in which the land has been included in two or more grants from the Crown, bring and prosecute an action at law for the recovery of damages against such person as a judge appoints, and in any other case against the person upon whose application the erroneous registration was made, or who acquired title to the land in question through such fraud, error, omission, or misdescription:

Action of
damages

Proviso:
except in
case of
fraud, etc.,
defendant
not liable
for damages

Provided always that except in the case of fraud or error occasioned by any omission, misrepresentation, or misdescription in the application of such person to be registered as owner of such land, or in any instrument executed by him, such person shall, upon a transfer of such land *bona fide* for value, cease to be liable for the payment of any damages which but for the transfer might have been recovered from him under the provisions hereinbefore contained, and such damages, with costs, may in such last mentioned case be recovered out of the assurance fund hereinafter provided for, by action against the registrar as nominal defendant.

Protection of
bona fide
purchasers
on mortgages

106. Nothing in this Act contained shall be so interpreted as to leave subject to action for recovery of damages as aforesaid, or to action of ejectment, or to deprivation of land in respect to which he is registered as owner, any purchaser or mortgagee *bona fide* for valuable consideration of land under this Act on the plea that his transferrer or mortgagor has been registered as owner through fraud or error or has derived title from or through a person registered as owner through fraud or error, except in the case of misdescription as mentioned in section one hundred and four.

Exception

Action
against
registrar as
nominal
defendant in
certain cases

107. If the person against whom the action for damages is directed to be brought as aforesaid is dead or cannot be found within the province, an action for damages may be brought against the registrar as nominal defendant for the purpose of recovering the amount of the said damages and costs against the said assurance fund; and in any such case, if final judgment is recovered and also in any case in which damages are awarded in any action as aforesaid and the sheriff makes a return of *nulla bona* or certifies that any portion thereof, with costs awarded cannot be recovered from such person, the Provincial Treasurer upon receipt of a certificate of the judge before whom the said

action was tried shall pay the amount of such damages and costs as are awarded or the unrecovered balance thereof as the case may be and shall charge the same to the account of the said assurance fund. Recovery of damages from assurance fund

108. Any person sustaining loss or damage through any omission, mistake or misfeasance of the inspector of land titles offices, or a registrar, or any of his officers or clerks, in the execution of their respective duties under the provisions of this Act, and any person deprived of any land by the registration of any other person as owner thereof or by any error, omission or misdescription in any certificate of title or in any memorandum upon the same or upon the duplicate certificate thereof, and who, by the provisions of this Act, is barred from bringing an action of ejectment or other action for the recovery of the land, may in any case in which remedy by action for recovery of damages hereinbefore provided is barred, bring an action against the registrar as nominal defendant, for loss through omissions, etc., of officers Action of damages against registrar as nominal defendant, for loss through omissions, etc., of officers

and if the plaintiff recovers final judgment against such nominal defendant the judge before whom such action is tried shall certify to the fact of such judgment and the amount of the damages and costs recovered and the Provincial Treasurer shall pay the amount thereof to the person entitled on production of an exemplification or certified copy of the judgment rendered and shall charge the same to the account of the said assurance fund; Recovery of damages from assurance fund

Provided always that notice in writing of every such action, and the cause thereof, shall be served upon the Attorney General, and also upon the registrar, at least three calendar months before the commencement of such action. Proviso: notice to be given to Attorney General and to registrar

109. If in any such action judgment is given in favour of the nominal defendant, or the plaintiff discontinues or becomes nonsuited, the plaintiff shall be liable to pay the full costs of defending the action; and the same when taxed shall be levied in the name of the nominal defendant by the like process of execution as in ordinary civil cases. When costs are given to nominal defendant

110. No action for recovery of damages sustained through deprivation of land shall lie or be sustained against the registrar or against the assurance fund aforesaid unless the same is commenced within the period of six years from the date of such deprivation: Prescription of action against registrar or assurance fund

Provided nevertheless that any person under the disability of infancy, lunacy or unsoundness of mind may bring the action within six years from the date on which the disability ceased; and the plaintiff in the action within six years from the date on which such disability ceased, and the plaintiff in any such action at whatever time it is brought, and the plaintiff in any action for the recovery of land shall be nonsuited in any case in which it appears to the satisfaction of the judge before whom such action is tried that the plaintiff or the person through or under whom he claims title had notice by personal service or otherwise was aware of such delay and wilfully or collusively omitted to lodge a caveat or allowed the caveat to lapse. Proviso: case of disability

Case of neglect to lodge caveat

Recovery of
money paid
out of assur-
ance fund

Proof of debt

If debtor is
not in the
province

Judgment
by default

And to
be final

Execution

111. Whenever any amount has been paid out of the said assurance fund on account of any person the amount may be recovered from him, or if dead, from the estate of such person, by action against his personal representatives, in the name of the registrar; and a certificate signed by the Provincial Treasurer of the payment out of the said assurance fund shall be sufficient proof of such debt; and whenever any amount has been paid out of the assurance fund aforesaid on account of any person who has absconded or who cannot be found within the province and has left any real or personal estate within the same, a judge upon the application of the registrar and upon the production of a certificate signed by the Provincial Treasurer that the amount has been paid in satisfaction of a judgment against the registrar as nominal defendant, and proof of service of the writ in any of the modes provided by the ordinary procedure in the province, may allow the registrar to sign judgment against any such person forthwith for the amount so paid out of the said assurance fund, together with the costs of the application; and such judgment shall be final, subject only to the right to have such judgment opened up, as may be provided in relation to ordinary procedure in the province, in cases of judgment by default, and the judgment shall be signed in like manner as a final judgment by default in an adverse suit and execution may issue immediately; and if the person has not left real or personal estate within the province sufficient to satisfy the amount for which execution has issued as aforesaid, the registrar may recover such amount, or the unrecovered balance thereof, by information against such person at any time thereafter in the Supreme Court of the North-West Territories or such other court as may hereafter be constituted, exercising within the province the jurisdiction, powers and authority at the date of the passing of this Act exercised therein by the Supreme Court of the North-West Territories, at the suit of the Attorney General.

Appeal to
judge from
acts of
registrar

Judge's
powers

Costs

112. If any person is dissatisfied with any act, omission, refusal, decision, direction or order of a registrar such person may require the registrar to set forth, in writing under his hand, the grounds of such act, omission, refusal, decision, direction or order, and such person may then apply to the judge of the Supreme Court of Alberta by petition, setting forth the grounds of his dissatisfaction; and the judge, having caused the registrar to be served with a copy of the petition, shall have jurisdiction to hear the said petition and to make such order in the premises and as to the costs of the parties appearing upon the petition as the circumstances of the case require.

Registrar
may refer
questions to
judge for
decision

113. Whenever a question arises with regard to the performance of any duty or the exercise of any function by this Act conferred or imposed upon a registrar, or whenever in the exercise of any duty of a registrar a question arises as to the true construction or legal validity or effect of any instrument, or as to the persons entitled, or as to the extent or nature of the estate, right or interest, power or authority of any person or class of persons, or as to the mode in which any entry or memorandum ought to be made in the day book, or register, or upon any certificate of title or duplicate thereof, or as to any doubtful or uncertain right or interest stated or claimed to be dealt with by the registrar, he

may refer the same in the form AA in the schedule to this Act to Form a judge of the Supreme Court of Alberta who may allow any of the parties interested to appear before him and summon any other Judge's powers of such persons to appear and show cause, either personally or by counsel, attorney-at-law or advocate, in relation thereto; and the judge having regard to the persons appearing before him whether summoned or not, shall decide the question or direct any proceedings to be instituted for that purpose and direct the particular form of entry or memorandum to be made as under the circumstances appears to be just.

114. If it appears to the satisfaction of a registrar that any duplicate certificate or other instrument has been issued in error or contains any misdescription of land or boundaries, or that any entry, memorandum or endorsement has been made in error or omitted from any duplicate certificate or other instrument, or that any such duplicate certificate, instrument, entry, memorandum or endorsement has been fraudulently or wrongfully obtained, or that any such duplicate certificate or instrument is fraudulently or wrongfully retained, or if under any of the provisions of this Act the registrar requires a duplicate certificate for the purpose of making any memorandum thereon or for the purpose of wholly or partially cancelling the same, he may, by written demand in the form BB in the schedule to this Act, to Form be served upon such person or to be mailed to his last known post office address within the province, require the person to whom such duplicate certificate or instrument has been so issued or by whom it has been so obtained or is retained, to deliver up the same for the purpose of being cancelled, corrected or completed as the case requires; and in case such person refuses or neglects to comply with such requisition, or cannot be found, the registrar may apply to a judge to issue a summons for such person to appear before him and show cause why such duplicate certificate or other instrument should not be delivered up to be cancelled, corrected or completed as aforesaid, and if such person, when served personally or in the mode directed in such summons with the summons, neglects or refuses to attend before the judge at the time therein appointed the judge may issue a warrant authorizing and directing the person so summoned to be apprehended and brought before the said judge for examination. Intervention of judge in such case Warrant of arrest

(2) If it appears to the satisfaction of the registrar that any duplicate certificate of title or other instrument has been issued in error or contains any misdescription, or that any entry or endorsement has been made in error on any certificate of title or other instrument, or that any such certificate, instrument, entry or endorsement was fraudulently or wrongfully obtained, he may, whether such certificate or instrument is in his custody or has been produced to him in answer to a demand, so far as practicable without prejudicing rights conferred for value, cancel or correct any error in such certificate of title or other instrument, or in any entry made thereon or in any memorial, certificate, exemplification or copy of any instrument made in or issued from the land titles office, and may supply entries to be made:

Provided always that in the correction of any such error he shall not erase or render illegible the original words, and he shall affix the date upon which such correction was made or entry supplied.

(3) Every certificate of title so corrected, and every entry so corrected or supplied, shall have the like validity and effect as if such error had not been made or such entry omitted.

Examination
by judge

115. Upon the appearance before a judge of any person summoned or brought up by virtue of a warrant as aforesaid the judge may examine such person upon oath and in case it appears right so to do may order such person to deliver up the duplicate certificate or other instrument as aforesaid; and upon refusal or neglect by such person to deliver up the same, pursuant to the order, or to be put under oath, or to be examined, or to answer any question touching the matter after being sworn, may commit such person to the nearest common jail for any period not exceeding six months, unless the duplicate certificate or other instrument is sooner delivered up or sufficient explanation is made why the same cannot be done, and in such case, or in case such person has absconded so that summons cannot be served upon him as hereinbefore directed, or in case a period of three months from the time of mailing the said demand to such person has elapsed without the duplicate certificate or other instrument having been returned to the registrar, the judge may direct the registrar to cancel or correct or complete the duplicate certificate or other instrument in his possession or any memorandum thereon relating to the land and to substitute and issue if necessary a duplicate certificate or other instrument or make such memorandum as the circumstances of the case require, and the registrar shall obey such order.

When judge
may order
imprisonment

Cancellation
or correction
of instru-
ment by
judge's order

Other powers
of judge

116. In any proceeding respecting land or in respect of any transaction or contract relating thereto, or in respect of any instrument, caveat, memorandum or entry affecting land, the judge by decree or order may direct the registrar to cancel, correct, substitute, or issue any duplicate certificate, or make any memorandum or entry thereon or on the certificate of title and otherwise to do every act necessary to give effect to the decree or order.

ASSURANCE FUND AND FEES.

Fees payable
in advance

117. Before the registrar shall perform any duty to be by him performed under any of the provisions of this Act he shall, except as herein otherwise provided, demand and receive the proper fees or fee therefor as fixed and settled by tariff made from time to time by the Lieutenant Governor in Council; and demand and receive for the assurance fund upon every absolute transfer of land after the issue of the first certificate of title therefor, where the land was not encumbered at the time of registering the grant, one-fifth of one per cent. of the value of the land transferred if such value amounts to or is less than five thousand dollars, and one-tenth of one per cent. on the additional value, when such value exceeds five thousand dollars; and upon every subsequent transfer he shall demand and receive upon the increase of value since the granting of the last certificate of title one-fifth of one per cent. if the increase is not more than five thousand dollars, and one-tenth of one per cent. on any excess over such five thousand dollars.

Amount
exigible for
assurance
fund

(2) The value of land and improvements for the purpose of this Act and of *The Unearned Increment Tax Act* shall be ascertained by the oaths or affirmations of the transferrer and transferee of such land or of such other person or persons on behalf of either or both of them as the registrar believes to be acquainted with the value of the land and whose oath or affirmation he is willing to accept.

(3) Such oaths or affirmations may be in form II in the schedule of this Act, and shall be necessary in all cases where any new duplicate certificate of title is required to be issued whether or not any fees are payable in respect to such land under the provisions of this section or of *The Unearned Increment Tax Act*.

(4) If the value of the land or of the improvements as set out in the affidavit sworn by or on behalf of the transferrer and transferee respectively are not the same, or if for any other reason the valuations are unsatisfactory to the registrar he shall cause a valuation to be made by an inspector of transfers and such valuation shall be taken to be the value of such land or improvements and shall bind the parties to the transfer.

117a. The Lieutenant Governor in Council may appoint one or more inspectors of transfers and it shall be the duty of such inspectors to investigate such valuations as the registrars of land titles may require and report thereon, and to perform such other duties as the Lieutenant Governor in Council may from time to time assign to them. 1913, (2nd Session), c. 2, s. 9 (2).

118. Each registrar shall keep a correct account of all sums of money received by him in accordance with the provisions of this Act and shall pay the same to the Provincial Treasurer at such times and in such manner as directed by the Lieutenant Governor in Council.

Accounting
for moneys
received

119. The government of the province may accept and receive from the Government of Canada or from the Governor in Council of Canada such portion of the assurance fund formed under the Act of the Parliament of Canada known as *The Territories Real Property Act* and continued as the assurance fund by the Act of the Parliament of Canada known as *The Land Titles Act, 1894*, as the said Government of Canada or Governor in Council of Canada may assign, transfer or pay over to the Government of the province and for the purpose of carrying the provisions of this section into effect the Lieutenant Governor in Council may by order provide for the adjusting of all questions arising between the government of the province and the Government of Canada in connection with the assignment, transfer or payment over of such portion of the said assurance fund as aforesaid including the giving or executing on behalf of the province all such contracts of indemnity or otherwise as may be found necessary or expedient.

Government
may receive
assurance fund
established
under
former acts

120. The assurance fund herein provided for shall be formed by the Provincial Treasurer from the amounts paid to and received by him for that purpose by and from the registrars as herein-

Formation
of assurance
fund under
this Act

before provided and by investing the same together with all interest and profits accrued thereon from time to time in securities approved of by the Lieutenant Governor in Council:

Provided that said assurance fund may be invested in securities or obligations of the Province of Alberta.

Disposition
of assurance
fund

(2) When the said fund shall have reached the sum of \$75,000, any sum in excess of the said amount may, by direction of the Lieutenant Governor in Council, from time to time be transferred to and form part of the consolidated revenue fund of the province.

Cases when
assurance
fund is not
liable for
damages

Exceptions

Amount of
liability

121. The assurance fund shall not under any circumstances be liable for compensation for any loss, damage or deprivation occasioned by the breach by any owner of any trust, whether expressed, implied or constructive; nor in any case in which the same land has been included in two or more grants from the Crown; nor shall the assurance fund be liable in any case in which loss, damage or deprivation has been occasioned by any land being included in the same certificate of title with other land, through misdescription of the boundaries or parcels of any land, unless in the case last aforesaid it is proved that the person liable for compensation and damages is dead or has absconded from the province or has been adjudged insolvent, or the sheriff has certified that he is not able to realize the full amount and costs awarded in any action for such compensation; and the said fund shall be liable for such amounts only as the sheriff fails to recover from the person liable as aforesaid.

Registrar
may in
certain cases
substitute
one certi-
cate for
several

122. Upon the application of an owner of several parcels of land held under separate certificates of title, or under one certificate of title, and the delivery up of the duplicate certificate therefor to him, the registrar may cancel the existing certificate or certificates of title granted, as also the duplicate certificates so delivered up, and grant to the owner a single certificate of title for all the parcels of land, or several certificates of title each applying to one or more of the parcels, in accordance with the application; upon which certificates of title respectively shall be entered a memorandum of each and every encumbrance, lien, charge, mortgage or other instrument affecting such parcel or parcels of land, setting forth the occasion of the cancelation and referring to the certificate of title so granted; and thereupon the registrar shall issue to the applicant one or more duplicate certificates as the case requires:

Provided that no one certificate issued to any person under this section shall include or refer to a greater area than six hundred and forty acres of land.

Case when
the duplicate
certificate of
title is lost
or destroyed

123. Upon production to the registrar of satisfactory proof by statutory declaration by the person to whom a duplicate certificate has been issued or by some one having knowledge of the facts, of the accidental loss or destruction of the duplicate certificate so issued, the registrar, having in the newspaper published nearest to the land described in the register, or if more newspapers than one are published in the same locality then in one of such newspapers, and in a conspicuous place in the land titles office for four weeks, published a notice of his intention to do so, may,

having entered in the register the facts as proven, issue a fresh duplicate certificate in lieu of the one so lost or destroyed, noting upon the same why it is so issued:

Provided that the publication of such notice in a newspaper as above provided, or of any notice, may be dispensed with if the registrar is satisfied as to the loss or destruction of the duplicate certificate so issued and that notice of the issue of another duplicate certificate in lieu of such lost or destroyed certificate in a newspaper or otherwise is unnecessary.

124. Any owner subdividing land, for which a certificate of title has been granted, for the purpose of selling or conveying the same in allotments shall deposit with the registrar a plan in triplicate, on tracing linen not exceeding twenty-nine inches in width, of the land on a scale of not less than one inch to every four chains, and the scale shall be marked on the plan; the plan shall be a fair specimen of draughtsmanship, to the satisfaction of the examiner of surveys, and shall not be accepted if any part of the lettering thereon has been done by means of rubber stamps or machine printing; the plan shall show in black india ink the boundaries, numbers and other distinguishing marks of the lots laid out thereby, and shall show the number of the section, township and range or the number of the river lot, or the name of the district or reservation, as the case may be, in which the land lies, also the number of the meridian west of which the said range, river lot, district or reservation is situated, as well as all boundary lines of the quarter section, section, sections or river lot, which contain the subdivided land shown on the said plan; the plan shall show all monuments, posts or marks by which the outside boundaries of the land shown on the plan are determined; where the plan is a subdivision of a lot or lots on a former plan, it shall show in orange ink or in scarlet vermilion paint the numbers or other distinguishing marks of the lot or lots subdivided and the boundary lines of such lot or lots; the plan shall also show distinctly all roads, streets, passages, thoroughfares, squares or reservations appropriated or set apart for public use, with the courses and widths thereof respectively, the length and width of all lots, and the courses of all division lines between the respective lots within the same, together with such other information as is required to show distinctly the position of the land being subdivided; each lot shall be marked with a distinct number or symbol; and the plan shall further show the courses of all streams of water within the limits of the land included in the plan; and every plan shall be signed by the owner or his agent, or where the owner is a corporation by the chief officer of the corporation, and certified in black india ink in the form CC in the schedule to this Act by an Alberta land surveyor, whose respective signatures shall be duly witnessed and attested in the manner hereinbefore provided for the attestation of instruments to be registered under this Act. One triplicate of the plan shall forthwith be transmitted by the registrar to the Department of Public Works.

(2) The registrar before filing a plan may require evidence to be given explaining any seeming discrepancy between the measurements on the plan and the description of the land in the register or the measurements on any former plan, or may require evidence on any other matter which he considers requires to be explained.

Plans and
surveys
and the
correction
thereof

(3) In no case shall any plan or survey, although filed and registered, be binding on the person so filing or registering the same, or upon any other person unless a sale, mortgage, encumbrance or lease has been made according to such plan or survey; and in all cases cancellation in whole or in part or amendments or alterations of any such plan or survey may be ordered to be made at the instance of the person filing or registering the same or of any person deriving title through him of any land shown on such plan or survey, by a judge, if on application for the purpose duly made and upon hearing all parties concerned it be thought fit and just so to order and upon such terms and conditions as to costs and otherwise as may be deemed expedient and the judge may make such order as to the vesting or re-vesting of any land included in such plan as he may think fit:

Provided that the provisions of this section shall apply to any plan which was formerly filed or registered in the land titles office for any registration district in the North-West Territories now within the Province of Alberta, whether a certificate or certificates of title have been granted or not for the lands shown on such plan, or for any part of such lands.

Plan of city
or town
subdivisions
to comply
with regula-
tions of such
city or town

(4) No plan of subdivision of any land shall be registered unless it conform in all respects to the regulations of the Department of Public Works with regard thereto.

(5) The registrar shall not accept transfers or mortgages of parcels of land within the limits of any plan registered in the land titles office under this section, unless the boundaries of such parcels are delimited on the plan, or until a new plan shall have been registered under this section showing the said boundaries and distinguishing the said parcels by numbers or letters, if, in his opinion, the registration of such transfer would have the effect of nullifying the provisions of the preceding subsection.

(6) No plan of subdivision of any encumbered land shall be registered unless the same be approved and signed by the encumbrancee or encumbrancees. Nor unless it is accompanied by a discharge of all encumbrances affecting the lands required to be reserved for public purposes under *The Public Works Act*, and the regulations made thereunder. 1914, c. 2, s. 9.

(7) No lots shall be sold under agreement for sale or otherwise according to any townsite or subdivision plan until after the same has been duly registered in the land titles office for the registration district in which the land shown on said plan is situate, providing that this section shall not apply to any plan now in existence and approved by the Minister.

(8) For every violation of the preceding subsection the offender shall be guilty of an offence and on summary conviction shall be liable to a fine of not less than \$50.00 and not more than \$100.00 and costs for each lot sold under agreement for sale or otherwise. 1913 (2nd Session), c. 2, s. 9.

(8a) Upon the filing of an original or amended or substituted plan of subdivision the lands finally shown to be reserved for public purposes, as required by *The Public Works Act*, and the regulations made thereunder, shall vest in the Crown in the right of the province, and the registrar shall cancel the areas so shown on such plan from the original and duplicate certificates of title, and he shall issue a certificate of title for such lands

to the Minister of Public Works representing His Majesty in the right of the province and forward the duplicate thereof to the said Minister. 1914, c. 2, s. 9.

(8a) No party to any sale or agreement for sale shall be entitled in any civil action or proceeding to rely upon or plead the provisions of subsection 7 of this section, if the plan of subdivision by reference to which such sale or agreement for sale was made was registered when such action or proceeding was commenced, or if, pursuant to the arrangement between the parties, it was the duty of the party who seeks to rely upon or plead the provisions of such subsection to himself register such plan of subdivision or cause the same to be registered. 1915, c. 2, s. 25.

(8b) The costs of pending proceedings to which subsection 8a applies shall be disposed of as if the said subsection had not been passed. 1915, c. 2, s. 25.

(9) Any certificate so forwarded to the Minister of Public Works may, with his written consent, be cancelled, or amended, or a new certificate substituted therefor if the plan of subdivision under which it was issued is withdrawn, amended, or displaced. 1914, c. 2, s. 9.

ROAD ALLOWANCES.

125. In the following six sections the word "road" shall be, ^{Road} unless the context otherwise requires, taken to mean and to refer to any old trail which existed prior to the subdivision of the land which it crosses into sections or any road allowance diversion or new road.

126. Upon the filing in the land titles office of the plans of surveys of any road as provided for in *The Public Works Act*, the lands shown on such plans so far as the same are not Dominion lands shall vest in the Crown in the right of the province subject to the right of any person who has acquired any interest in the said lands, so far as the same are taken for any road allowance diversion or new road, to compensation for such interest. ^{Lands on which situated to vest in Crown}

(2) The Crown shall not be entitled to any mines or minerals, whether solid, liquid or gaseous, which may be found to exist within, upon or under any land vested in the Crown under the provisions of this section, unless the same are expressly purchased, and the title to any such mines or minerals shall in nowise be affected by the filing of any plans of survey as provided herein.

127. The provisions of *The Public Works Act* with regard ^{Compensation} to the allowance of compensation for lands required for public works and the provisions as to procedure in the said Act contained with regard thereto shall obtain in all applications for compensation made under this Act.

128. Whenever the plan of the survey in paragraph 126 hereof mentioned is forwarded to the registrar of the proper land titles office by the Public Works Department the registrar shall call in the duplicate certificates of title for all patented lands affected thereby, in the manner set forth in section 114 of this Act, but if the registered owner refuses or neglects to return the duplicate certificate of title within thirty days after the demand has been ^{Registrar to cancel area out of certificates of title}

mailed to him the registrar shall proceed to file the plan and shall cancel the area required for the road as shown on such plan from the original certificates in his office and from the duplicates that may have been or may otherwise be returned to him and shall issue a certificate of title for the road to His Majesty in the right of the province and forward the duplicate thereof to the Minister of Public Works.

Where no
certificate
issued
registrar to
cancel area
out of cer-
tificates as
they are
issued

129. If a certificate of title has not been issued for any lands affected by a road, as shown by the plan which has been forwarded to the registrar by the Public Works Department pursuant to the provisions of this Act, the registrar shall cancel the area required for the road as shown on such plan from the certificates of title as they are issued and from the duplicates before they are delivered to the owners and shall issue new certificates of title for the area so cancelled, as provided in the preceding section hereof unless the grant of the land is issued subject to the road shown on the plan.

Filing of
corrected
plan

130. Wherein any plan filed as mentioned in section 126 hereof or heretofore filed by the Department of Public Works of the North-West Territories or of the province it is made to appear to the satisfaction of the registrar that manifest, technical or other error has intervened, the registrar may permit such plan to be withdrawn and a correct plan substituted therefor; and the provisions of sections 126 to 129 both inclusive hereof shall apply to such corrected or substituted plan upon the same being filed:

Certificate
to be
returned

Provided, however, that where a certificate or certificates of title to the land shown upon the plan which it is desired to withdraw has or have been issued to the Crown no such plan shall be withdrawn until such certificate or certificates shall have been returned to the registrar who shall cancel the same and issue another certificate or other certificates of title in the place and stead thereof to His Majesty in the right of the province for the land shown upon corrected or substituted plan; and the effect of said cancellation and reissue (and the effect of said withdrawal and substitution in cases in which no certificate of title has been issued to the Crown of the lands shown upon the plan so withdrawn) shall be to revest in the person or persons from whom such lands may have been divested by the plan that is so withdrawn or in his or their heirs, executors, administrators or assigns, such part of the lands so divested as is not shown upon the corrected plan so substituted, and the registrar shall so notify such person or persons and shall cancel the cancellation if any made by him upon the original certificate of title in his office and upon the duplicate thereof when it is returned to him and shall cancel out of the original certificate and duplicate the area shown upon the corrected and substituted plan so filed.

Implied
covenants
may be
negated
or modified

131. Every covenant and power declared to be implied in any instrument by virtue of this Act may be negated or modified by express declaration in the instrument; and in any action for a supposed breach of any such covenant the covenant alleged to be broken may be set forth and it shall be lawful to allege that the party against whom the action is brought did so covenant, precisely in the same manner as if the covenant had been expressed in

words in the transfer or other instrument, any law or practice to the contrary notwithstanding; and every such implied covenant shall have the same force and effect and be enforced in the same manner as if it had been set out at length in the transfer or other instrument; and when any transfer or other instrument in accordance with this Act is executed by more parties than one such covenants as are by this Act to be implied in instruments of a like nature shall be construed to be several and not to bind the parties jointly.

Their effect

They bind the parties severally not jointly

132. The owner of any land for which a certificate of title has been granted or of any lease, mortgage or charge affecting the same, shall on application of any beneficiary or person interested therein be bound to allow his name to be used by such beneficiary or person in any action, suit or proceeding which it may be necessary or proper to bring or institute in the name of such owner concerning such land, lease, mortgage or charge, or for the protection or benefit of the title vested in such owner, or of the interest of any such beneficiary or person; but nevertheless such owner shall in any case be entitled to be indemnified in like manner as, if being a trustee, he would before the passing of this Act, have been entitled to be indemnified in a similar case of his name being used in any such action, suit or proceeding by his *cestui que* trust.

Owner must in certain cases allow beneficiary etc., to use his name

But shall then be indemnified

133. Whenever any person who if not under disability might have made any application, given any consent, done any act, or been party to any proceeding under this Act, is a minor, idiot or lunatic, the guardian or committee of the estate, respectively, of such a person may make such application, give such consent, do such act, and be party to such proceeding as such person if free from disability might have made, given, done and been party to, and shall otherwise represent such person for the purposes of this Act; and whenever there is no guardian or committee of the estate of any such person aforesaid being infant, idiot or lunatic, or whenever any person, the committee of whose estate if he were idiot or lunatic, would be authorized to act for and represent such person under this Act, is of unsound mind and incapable of managing his affairs but has not been found an idiot or lunatic under inquisition, a court or a judge may appoint a guardian of such person for the purpose of any proceedings under this Act, and from time to time change such guardian. And wherever the court or a judge sees fit it or he may appoint a person to act as the next friend of a married woman for the purpose of any proceeding under this Act, and from time to time remove or change such next friend.

Guardian or committee may act for person under disability

If no guardian, etc., the court may appoint one and remove him.

Next friend of married woman

134. Whenever in any action, suit, or other proceeding affecting land for which a certificate of title has been granted it becomes necessary to determine the fact whether the transferee, mortgagee, encumbrancee, or lessee, is a purchaser, transferee, mortgagee, encumbrancee, or lessee, for valuable consideration or not, any person who is party to the action, suit or other proceeding may give in evidence any transfer, mortgage, encumbrance, lease or other instrument affecting the land in dispute, although the same is not referred to in the certificate of title or has been cancelled by the registrar.

How purchase, etc., for valuable consideration may be proved in an action

Person dealing with registered owner is not bound to inquire into the circumstances, etc., of acquisition by owner

135. Except in the case of fraud no person contracting or dealing with or taking or proposing to take a transfer, mortgage, encumbrance or lease from the owner of any land for which a certificate of title has been granted shall be bound or concerned to inquire into or ascertain the circumstances in or the consideration for which the owner or any previous owner of the land is or was registered or to see to the application of the purchase money or of any part thereof, nor shall he be affected by notice direct, implied or constructive, of any trust or unregistered interest in the land, any rule of law or equity to the contrary notwithstanding; and the knowledge that any trust or unregistered interest is, in existence shall not of itself be imputed as fraud.

Effect of duplicate certificate of title as evidence in suit by the owner of specific performance

136. In any suit for specific performance brought by an owner of any land for which a certificate of title has been granted against a person who has contracted to purchase the land not having notice of any fraud, or other circumstances which according to this Act would affect the right of the transferrer, the duplicate certificate of title of the owner shall be evidence that the owner has a good and valid title to the land for the estate or interest therein mentioned or described.

Trustees and joint owners

Insertion of words "no survivorship" in transfers, etc.

Effect of these words

Order of court

137. Upon the transfer of any land for which a certificate of title has been granted to two or more persons as joint owners, to be held by them as trustees, it shall be lawful for the transferrer to insert in the transfer or other instrument the words "no survivorship"; and the registrar shall in such case include such words in the duplicate certificate issued to such joint owners pursuant to the transfer and in the certificate of title; and any two or more persons so registered as joint owners of any land held by them as trustees may by writing under their hand authorize the registrar to enter the words "no survivorship" upon the duplicate certificate and also upon the certificate of title; and after such entry has been made and signed by the registrar in either such case as aforesaid it shall not be lawful for any less number of joint owners than the number so entered to transfer or otherwise deal with the land without obtaining the sanction of the court or of a judge by an order on motion or petition.

Notice of said order

Powers of court after notice given

Memorandum to be made

Effect

138. Before making any order as aforesaid the court or judge shall, if it seem requisite, cause notice of intention so to do to be properly advertised, and in such case appoint a period of time within which any person interested may show cause why the order should not be made; and thereupon the said court or judge may order the transfer of the land to any new owner or owners, solely or jointly with or in the place of any existing owner or owners, or may make such order in the premises as the court or a judge thinks just for the protection of the persons beneficially interested in the land or in the proceeds thereof; and upon such being deposited with the registrar he shall make a memorandum thereof upon the certificate of title and upon the duplicate certificate when the same is produced to him; and upon such memorandum being made the person or persons named in the order shall be the owner or owners of the land.

139. Nothing contained in this Act shall take away or affect the jurisdiction of any competent court on the ground of actual fraud or over contracts for the sale or other disposition of land for which a certificate of title has been granted.

Jurisdiction of courts in cases of fraud, etc.

140. The Lieutenant Governor in Council shall from time to time provide the necessary books, forms, and other office requisites and shall make such rules and regulations as are necessary to carry out the provisions of this Act; and shall also make such rules and regulations as to him appear necessary for giving effect to this Act, in cases unprovided for, according to its true intent and purpose.

Lieutenant Governor in Council to furnish books, etc., and make regulations

141. Proceedings under this Act shall not abate or be suspended by any death, transmission or change of interest, but in any such event a judge may make such order for carrying on, discontinuing or suspending the proceedings, upon the application of any person interested, as under the circumstances he thinks just, and may for such purpose require the production of such evidence and such notices to be given as he thinks necessary.

Proceedings not to abate in case of death, etc.

Judge's powers in such cases

142. No petition, order, affidavit, certificate, registration or other proceeding under this Act shall be invalid by reason of any informality or technical irregularity therein or of any mistake not affecting the substantial justice of the proceedings.

Defects of form not to invalidate proceedings

(2) Affidavits for use in applications to register title, or in any matter other than the execution of instruments, may be made before any person authorized to take affidavits for use in the Supreme Court of the North-West Territories, or any court hereafter constituted exercising within the province the jurisdiction, powers and authority at the date of the passing of this Act exercised therein by the Supreme Court of the North-West Territories; and in all matters before a judge or the court where proof is required the same may be taken by affidavit sworn as aforesaid or by *viva voce* evidence as may be ordered by the judge or court.

Affidavits, before whom to be made

Proof, how to be taken

(3) Affidavits shall be subject to the practice at the date of the passing of this Act governing affidavits in the Supreme Court of the North-West Territories.

Affidavits, practice to be observed

143. The inspector of land titles offices shall not, nor shall any registrar, deputy registrar, or any person acting under authority of a registrar, be liable to any action or proceeding for or in respect of any act *bona fide* done or omitted to be done in the exercise or supposed exercise of the powers given by this Act, or any order or general rule made in pursuance of this Act.

Protection of officers, etc.

144. Whenever any matter is under this Act submitted to a judge by a registrar or by any other person or authority and the judge deems it advisable that parties interested should be notified of the time and place when and where a hearing of the matter so submitted should be held, and no special provisions are made therefor in this Act, or if there are any such special provisions and the judge shall be of the opinion that the notice required thereby to be given is not sufficient, he may direct notice of such time and place to be given and he may direct that such notice be served personally upon such persons as he may direct or be

Notice to be given to interested parties in certain cases

left at their usual place of abode, or he may direct that such notice shall be posted at such place or places and for such periods as he may name, or he may direct that such notice be published in such newspaper or newspapers as he may designate and for such time as he may direct, and he may direct that such notice may be given in any one or more or in all the methods above specified.

When the
interested
parties are
absent

Mode of
service

Proof of age
of contracting
party

(2) Whenever this Act directs that persons interested shall be heard or shall receive notice and such parties are not within the jurisdiction or cannot be found so as to be personally served, the judge may direct that any party without the jurisdiction may be served personally, or in either case may direct substitutional services within or without the jurisdiction to be made in such manner as he may direct or he may direct that publication of notice in such manner as he may direct may be sufficient service.

145. The registrar shall, in all cases of transfers, mortgages, encumbrances or leases, be entitled to require satisfactory evidence that the person making such instruments is of the full age of twenty-one years.

Proof of
matter of
inquiry by
judge

Proviso:
powers of
judge in such
cases

Powers of
judge to
compel
appearance
to testify

146. Whenever by virtue of this Act a judge is required or authorized to hold an inquiry, proof of the matters relevant to the inquiry may be made before him by affidavit, which may be sworn before any judge of any court, notary public, justice of the peace or commissioner for taking affidavits, having authority or jurisdiction within the place where the oath is administered:

Provided always that the judge may, whenever he deems it expedient so to do, require the personal attendance of any person before him to testify as to the matters of any such inquiry or that any deponent to any affidavit shall attend in person before him to be cross-examined upon his affidavit.

(2) Whenever the judge so requires any person or deponent to appear before him in person he may issue a summons under his hand and seal requiring such person or deponent to appear before him at a time and place to be specified to testify as to what he may know concerning the matters in question, or to be cross-examined as the case may be; and if such person or deponent fails to attend at the time and place specified, upon due proof under oath that such person or deponent has been duly served with the said summons and that proper conduct money has been paid or tendered to him (which conduct money shall be according to the tariff of fees provided for the attendance of witnesses at trials in civil causes in the Supreme Court of the North-West Territories or any court hereafter constituted exercising within the province the jurisdiction, powers and authority at the date of the passing of this Act exercised therein by the Supreme Court of the North-West Territories) the judge may issue his warrant directed to the sheriff of any judicial district, directing him to apprehend such person or deponent and bring him before the said judge for examination and to keep him in his custody until he is so examined; and such sheriff shall obey the said warrant according to the tenor thereof. And the sheriff shall be entitled to the same fees for executing such warrant as he would be entitled to for executing a process issued out of such court.

Duty of
sheriff

Sheriff's
fees

Costs of
inquiry

(3) The costs incidental to any such inquiry shall be in the discretion of the judge, and shall be taxed by the clerk of the

court in the district in which the inquiry was held as nearly as may be according to the tariff provided for civil causes in the said court; and judgment shall be signed in such court for such costs in favour of the party to whom they are awarded by the judge, and execution may be issued for the recovery thereof out of the said court as upon an ordinary judgment therein. Recovery of costs

(4) Whenever any proceeding is taken under this Act, whether by motion or summons, or by the filing with or the delivery to the registrar of a caveat, mechanic's lien, or copy of an execution against lands, or other such proceeding, and any party to such proceeding, or the person in whose behalf or against whose interest such caveat, lien or execution has been so filed or delivered is not a resident of the province, a judge may upon the application of a party to such proceeding or interested therein or affected by such caveat, lien or execution, grant an order requiring such non-resident to give security for the costs of the applicant for such order in prosecuting or resisting such proceedings or in removing or maintaining such caveat, lien or execution; and it may be a term of such order that in default such proceeding may be deemed granted or dismissed, or such caveat, lien or execution may be deemed removed or maintained; and such order may also provide for a stay of proceedings. The practice and procedure for obtaining such order and giving such security shall be as nearly as may be the same as upon an application for security for costs in civil causes in the said Supreme Court, or such other court as herein-before mentioned, and the judge may direct payment of the costs incident to such application or order to be taxed and recovered as is provided in the case of the costs mentioned in subsection 3 of this section. Security for costs by non-resident

APPEAL.

147. An appeal shall lie by the inspector of land titles offices, a registrar, or person directly interested therein, from any order or decision of a judge made or given under the provisions of this Act to the Supreme Court of the North-West Territories sitting *en banc*, or to any other court sitting *en banc* hereafter constituted, exercising within the province the jurisdiction, powers and authority at the date of the passing of this Act exercised therein by the Supreme Court of the North-West Territories, within the prescribed time, in the same manner and with the same incidents in and with which judgments and orders of that court by a single judge may be appealed from; and the practice and proceedings relating to appeals in the said court including costs and payment thereof and the enforcement of judgments on appeal shall, adapted to the circumstances, apply. Appeal from judge's decision

148. If in any matter before a judge under this Act the judge considers proper he may refer the same to the court *en banc*, and such court may either dispose of the matter or refer it back to the judge with such direction as the court *en banc* may think fit. Judge may refer matters to court *en banc*

149. The court or judge may order costs to be paid by or to any person party to any proceeding under this Act, regard being had to the following provisions: Payment of costs

That any applicant under this Act is liable *prima facie* to pay all costs, charges and expenses incurred by or in consequence Responsibility for costs

of his application, except in a case where parties object whose rights are sufficiently secured without their appearance, or when any costs, charges or expenses are incurred unnecessarily or improperly.

Enforcement
of orders
of court

150. Any order of the court or a judge may be enforced in the same manner and by the same officials and process as orders are usually enforced by the procedure and practice of the Supreme Court of the North-West Territories, or of any court hereafter constituted exercising within the province the jurisdiction, powers and authority at the date of the passing of this Act exercised therein by the Supreme Court of the North-West Territories and shall be obeyed by every registrar and acting registrar when directed to him.

Tariff
of costs

151. The said court sitting as the Court of Appeal may, by order of the court, provide (and from time to time change) a tariff of costs payable for all services and proceedings under this Act; but unless and until so provided for the tariff of costs relating to actions at the date of the passing of this Act of the Supreme Court of the North-West Territories where the title to lands is in question shall apply, adapted to the circumstances.

Lieutenant
Governor
in Council
may vary
forms or in
certain cases
prescribe
new ones

152. The Lieutenant Governor in Council may from time to time, whenever it is necessary so to do, add to or otherwise vary any of the forms in the schedule to this Act, or may cause to be adopted any other form or forms which he considers applicable to any special case or class of cases for which a form has not been provided in the schedule to this Act.

Former
officers
continued

153. All officers, persons, bodies politic or corporate acting under the provisions of any law or regulation heretofore in force in the province with relation to titles to real property shall continue to act as if appointed under this Act until others are appointed in their stead; and all proceedings taken under such former law or regulation shall be taken up and continued under this Act when not inconsistent therewith, and all penalties and forfeitures may be recovered and all proceedings had in relation to matters which have happened before the coming into force of this Act in the same manner as if the said former law or regulation was still in force, pursuing the provisions of this Act as far as they can be adopted to the said former law or regulation.

(2) All orders, regulations and rules made under any such former law shall continue good and valid in so far as they are not inconsistent with this Act until they are annulled or others made in their stead.

Existing
rights
preserved

154. Nothing in this Act contained shall affect any act done or any right or right of action existing, accruing, accrued or established or any proceedings commenced in a civil cause before the coming into force of this Act; and all rights, estates and interests existing in any person under or by virtue of any former law in the province relating to titles to real property shall be and are hereby preserved so far but as far only as they are consistent with the provisions of this Act.

155. The registration or filing of all instruments effected, and all certificates of title granted under any law heretofore in force relating to titles to real property shall have the same effect and be regarded and dealt with in the same way as though such registrations or filings had been effected and such certificates of title granted under the provisions of this Act: Existing registrations, effect of

Provided, however, that the assurance fund established under the provisions of this Act shall not be liable in respect to any claims arising out of the registration or filing of such instruments or the granting of such certificates.

156. This Act shall come into force upon the proclamation thereof by the Lieutenant Governor. Act to come into force upon proclamation

SCHEDULE.

FORM A.

(Section 11.)

FORM OF INSPECTOR'S, REGISTRAR'S, AND DEPUTY REGISTRAR'S OATH OF OFFICE.

PROVINCE OF ALBERTA, } I, (*name and describe deponent*) having been
DISTRICT OF..... } appointed to the office of inspector of land titles
} office of inspector (*or registrar or deputy registrar*)
To Wit: } in and for the (*name of registration district, etc.*)
do swear (*or affirm, as the case may be*) that I will well, truly and faithfully perform and execute all duties required of me relating to the said office so long as I continue therein, and that I have not given, directly or indirectly, nor authorized any person to give any money, gratuity or reward whatsoever for procuring the said office for me.
SWORN before me at the }
..... of }
in the of } (*Signature of inspector, registrar or deputy registrar.*)
..... the of }
day of A.D. 19.. }

FORM B.

(Section 13.)

FORM OF BOND OF INSPECTOR, REGISTRAR AND DEPUTY REGISTRAR.

PROVINCE OF ALBERTA, } Know all men by these presents that I, (*insert*
DISTRICT OF..... } *name and addition to the principal*) of the
} of
To Wit: } in the Province of Alberta, of the Dominion of
Canada, hereinafter called "the principal," and we (*insert names and additions of the sureties*) of the
of in the of
and of the
of in the
hereinafter called "the sureties," are respectively held and firmly bound unto our Sovereign Lord the King, His Heirs and Successors, in the respective penal sums following, that is to say: "the principal" in the sum of
..... dollars of lawful money of Canada, and each of the "sureties" in the sum of dollars of like lawful money, to be paid to our said Sovereign Lord the King, His Heirs and Successors; for which said respective payments, well and faithfully to be made, we jointly and severally, each for the other bind ourselves, and our respective heirs, executors and administrators, firmly by these presents, sealed with our respective seals.

Dated this..... day of.....
in the year of our Lord one thousand nine hundred and..... and in
the..... year of His Majesty's reign.

Whereas "the principal," having been appointed to the office or employment of..... is required by law to give security to the Crown for the due performance of the duties appertaining thereto; and "the sureties" have consented to become his sureties for such his performance of the said duties; and this bond is given in pursuance of *The Land Titles Act*.

Now the condition of this obligation is, that if "the principal" faithfully discharges the duties of the said office and duly accounts for all moneys and property which may come into his custody by virtue of the said office this obligation shall be void, otherwise the same shall remain in full force and effect.

Signed and sealed and delivered }
in the presence of..... } (Signatures and Seals.)

FORM C.

(Section 13.)

AFFIDAVIT OF JUSTIFICATION BY A SURETY.

PROVINCE OF ALBERTA, } I,....., one of the sureties in
DISTRICT OF..... } the above (or within) named bond or obligation
named make oath (or affirm, as the case may be)
and say as follows:

To Wit:

1. I am seized and possessed to my own use of real (or real and personal) estate, in the..... of.....
in Canada, of the actual value of..... dollars,
over and above all charges upon or encumbrances affecting the same.

2. My post office address is as follows: (insert it).

Sworn before me at the }
..... of..... }
in the..... of..... }
..... this..... day..... }
day of... A.D. 19.. } (Signature.)

FORM D.

(Section 13.)

AFFIDAVIT OF ATTESTATION OF BOND.

PROVINCE OF ALBERTA, } I,.....
DISTRICT OF..... } of the..... of....., in
To Wit: } the..... of.....
make oath and say that I was personally present and did see.....
(one of, or as the case may be) the obligor in the above (or within) bond or obligation named, duly execute the said instrument by signing, sealing, and, as his act and deed (or their respective acts and deeds, as the case may be), delivering the same; and that I am a subscribing witness to such execution.

Sworn before me at the }
..... of..... }
in the..... of..... }
..... this..... day..... }
of..... A.D. 19.. } (Signature.)

(A separate affidavit in this form will be made by a witness to the execution by such obligor, if the same person does not witness the execution by all of them.)

FORM E.

(Section 21.)

CERTIFICATE OF TITLE.

CANADA
 PROVINCE OF ALBERTA,
 REGISTRATION DISTRICT }

This is to certify that A.B. of is now the owner of an estate (*describe the estate*) of and in (*describe the property*) subject to the encumbrances, liens and interests notified by memorandum underwritten or endorsed hereon, or which may hereafter be made in the register.

In witness whereof I have hereunto subscribed my name and affixed my official seal this day of A.D. 19..

And if subject to a mortgage, say:

The title of A.B. is subject to mortgage, dated the day of made by A.B. to W.B. to secure (*here state the amount secured, the rate of interest per cent. per annum and the respective dates for which the principal and interest are secured*) payable as therein mentioned [if mortgage is discharged, say: "The above mortgage No. is discharged this day of A.D. 19.." (*here state the distinguishing letter or number of the register and the number of the folio therein.*)]

And if subject to a lease, say:

The title of A.B. is subject to a lease dated the day of made by A.B. to Y.Z., for the term of years.

When the transfer is absolute, say:

This certificate of title is cancelled and a new certificate of title No. issued this day of A.D. 19..

(Signature.)

FORM F.

(Section 28.)

APPLICATION TO BRING LAND UNDER THE OPERATION OF THE LAND TITLES ACT.

To the Registrar of registration district:

I, (*insert name and addition*), hereby apply to have the land hereinafter described brought under the operation of *The Land Titles Act*. And I declare:

1. That I am the owner (*or agent for* the owner) of an estate in fee simple in possession (*or of an estate of freehold in possession for my life, or otherwise as the case may require*) in all that piece of land, being (*here describe the land*).

2. That such land, including all buildings, and other improvements thereon, is of the value of dollars and no more.

3. That there are no documents or evidences of title affecting such land in my possession, or under my control, other than those included in the schedule hereto.

4. That I am not aware of any mortgage or encumbrance affecting the said land, or that any other person has any estate or interest therein at law or in equity, in possession, remainder, reversion or expectancy (*if there be any add: other than as follows: and set the same forth*).

5. That the said land is now occupied (*if unoccupied, prefix un to occupied; if occupied, add by whom, and state the name and addition of the occupant and the nature of his occupancy*).

6. That the names and addresses so far as known to me the occupants of all lands contiguous to the said land are as follows:

7. That the names and addresses so far as known to me of the owners of all lands contiguous to the said land are as follows:

[*If the certificate of title is not to be granted to the applicant, add: And I direct the certificate of title to be granted in the name of (insert name and addition).*]

Dated this day of 19..

Made and subscribed at
 in the presence of } (Signature.)

FORM G.

(Section 28.)

Schedule of documents referred to.

AFFIDAVIT.

PROVINCE OF ALBERTA, } I,
 DISTRICT OF } of
 To Wit: } make oath and say:

1. That I am the applicant named in the application hereto annexed.
2. That the several statements contained in the said application are true, to the best of my knowledge and belief.

Sworn before me at the }
 of
 in the of
 this
 day of A.D. 19.. } (Signature.)

FORM H.

(Section 28.)

AFFIDAVIT CONCERNING THE HUDSON'S BAY COMPANY'S LANDS.

PROVINCE OF ALBERTA, } I,
 DISTRICT OF } of the
 To Wit: } of in
 the of
 } make oath and say:

1. I am an officer of the Hudson's Bay Company entitled to make this affidavit by the authority and under the approval of the Attorney General of Alberta.
2. Title to the lands mentioned in the accompanying application now produced and shown to me, and marked with the letter "A," passed to the said company by notification under the provisions of subclause 7 of clause 22 of *The Dominion Lands Act* (or by letters patent issued on—stating date—as the case may be).
3. The said company is, at the date of this affidavit, absolutely entitled to the said lands in fee simple and has not encumbered the same in any way whatsoever.
4. And the said lands are not subject to any execution, and are not chargeable with any arrears of municipal taxes, rates or assessments.

Sworn before me at the }
 of
 in the of
 this
 day of A.D. 19.. } (Signature.)

FORM I.

(Section 29.)

RECEIPT OF ACKNOWLEDGMENT OF PAYMENT OF MORTGAGE OR
OTHER ENCUMBRANCE.

I, C.D., the mortgagee (encumbrancee or assignee as the case may be) do acknowledge to have received all the moneys due or to become due under the within written mortgage (or encumbrance, as the case may be) and that the same is wholly discharged.

In witness whereof I have hereunto subscribed my name this
 day of 19....
 Signed by the above named C.D., }
 in the presence of } (Signature.)

FORM J.

(Section 48.)

TRANSFER.

I, *A.B.*, being registered owner of an estate (*state the nature of estate*) subject, however, to such encumbrances, liens and interests as are notified by memorandum underwritten (or endorsed hereon) in all that certain tract of land containing.....acres, more or less, and being (*part of*) section..... township.....range.....in the (*or as the case may be*), (*here state rights of way, privileges, easements, if any, intended to be conveyed along with the land and if the land dealt with contains all included in the original grant refer thereto for descriptions of parcels and diagrams; otherwise set forth the boundaries and accompany the description by a diagram*) do hereby, in consideration of the sum of.....dollars paid to me by *E.F.*, the receipt of which sum I hereby acknowledge, transfer to the said *E.F.* all my estate and interest in the said piece of land. (*When a lesser estate describe such lesser estate.*)

In witness whereof I have hereunto subscribed my name this..... day of.....19....

Signed by said *A.B.*, in the }
presence of..... } (Signature.)

FORM K.

(Section 54.)

LEASE.

I, *A.B.*, being registered as owner, subject, however, to such mortgages and encumbrances as are notified by memorandum underwritten (or endorsed hereon), of that piece of land (*describe it*), part ofsection..... township.....range.....(*or as the case may be*), containing..... acres, more or less (*here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with contains all included in the original grant or certificate of title or lease, refer thereto for description and diagram, otherwise set forth the boundaries by meles and bounds*) do hereby lease to *E.F.*, of (*here insert description*), all the said land, to be held by him, the said *E.F.* as tenant, for the space of.....years, from (*here state the date and term*), at the yearly rental of.....dollars, payable (*here insert terms of payment of rent*), subject to the covenants and powers implied (*also set forth any special covenants or modifications of implied covenants*).

I, *E.F.*, of (*here insert description*), do hereby accept this lease of the above described land, to be held by me as tenant, and subject to the conditions, restrictions and covenants above set forth.

Dated this.....day of.....19....

Signed by the above named *A.B.*, }
as lessor, and *E.F.*, as lessee, in } (Signature of lessor.)
presence of..... } (Signature of lessee.)
(*Here insert memorandum of mortgages and encumbrances.*)

FORM L.

(Section 58.)

SHORT COVENANTS IN LEASE.

COLUMN ONE.

1. Will not, without leave in writing, assign or sublet.

COLUMN TWO.

1. The covenantor, his executors, administrators, or transferees, will not, during the said term, transfer, assign or sublet the land and premises hereby leased, or any part thereof, or otherwise by any act or deed pro-

2. Will fence.
3. Will cultivate.
4. Will not cut timber.
5. Will not carry on offensive trade.
- cure the said land and premises, or any part thereof, to be transferred or sublet, without the consent in writing of the lessor or his transferees first had and obtained.
2. The covenantor, his executors, administrators, or transferees, will during the continuance of the said term erect and put upon the boundaries of the said land, or on those boundaries on which no substantial fence now exists, a good and substantial fence.
3. The covenantor, his executors, administrators, or transferees, will at all times during the said term, cultivate, use and manage in a proper husbandlike manner, all such parts of the land as are now or shall hereafter, with the consent in writing of the said lessor or his transferees, be broken up or converted into tillage, and will not impoverish or waste the same.
4. The covenantor, his executors, administrators, or transferees will not cut down, fell, injure or destroy any living timber or timberlike tree standing and being upon the said land, without the consent in writing of the said lessor or his transferees.
5. The covenantor, his executors, administrators, or transferees will not, at any time during the said term, use, exercise, or carry on, or permit or suffer to be used, exercised or carried on, in or upon the said premises, or any part thereof, any noxious, noisome or offensive art, trade, business, occupation or calling; and no act, matter or thing whatsoever shall at any time during the said term be done in or upon the said premises, or any part thereof, which shall or may be or grow to the annoyance, nuisance, grievance, damage or any disturbance of the occupiers or owners of the adjoining lands and properties.

FORM M.

(Section 59.)

In consideration of dollars to me paid by (lessor or his assigns, as the case may be) I do hereby surrender and yield up from the day of the date hereof unto the lease (describe the lease fully) and the terms therein created.

Dated the day of A.D. 19
 Signed by the above named }
 in the presence of } (Signature.)

FORM N.

(Section 60.)

MORTGAGE.

I, A.B., being registered as owner of an estate (*here state nature of interest*), subject, however, to such encumbrances, liens and interests as are notified by memorandum underwritten (or endorsed hereon) of that piece of land (*description*), part of.....section.....township....., range....., (*or as the case may be*) containing.....acres, be the same more or less (*here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with contains all included in the original grants refer thereto for description of parcels and diagrams; otherwise set forth the boundaries and accompany the description by a diagram*), in consideration of the sum of.....dollars lent to me by.....E.F., (*here insert description*), the receipt of which sum I do hereby acknowledge, covenant with the said E.F.:

Firstly.—That I will pay to him, the said E.F., the above sum of.....dollars, on the.....day of.....

Secondly.—That I will pay interest on the said sum at the rate of.....on the dollar, in the year, by equal payments on the.....day of.....and on the.....day of.....in every year.

Thirdly.—(*Here set forth special covenants, if any.*)

And for the better securing of the said E.F. the repayment in manner aforesaid of the principal sum and interest, I hereby mortgage to the said E.F. my estate and interest in the land above described.

In witness whereof, I have hereunto signed my name this.....day of.....19....

Signed by the above named
A.B. as mortgagor, in the
presence of.....
(*Insert memorandum of mortgages and encumbrances.*)

(Signature of mortgagor.)

FORM O.

(Section 60.)

ENCUMBRANCE.

I, A.B., being registered as owner of an estate (*state nature of estate*), subject, however, to such mortgages and encumbrances as are notified by memorandum underwritten (or endorsed hereon), of that piece of land of (*description*) part of.....section....., township....., range..... (*or as the case may be*) containing.....acres, more or less (*here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with contains all included in the original grant or certificate of title, refer thereto for description of parcels and diagrams; otherwise set forth the boundaries and accompany the description by a diagram*), and desiring to render the said land available for the purpose of securing to and for the benefit of C.D., of (*description*) the (*sum of money, annuity or rent charge*) hereinafter mentioned, do hereby encumber the said land for the benefit of the said C.D., with the (*sum, annuity or rent charge*) of....., to be paid at the times and in the manner following, that is to say: (*Here state the times appointed for the payment of the sum, annuity or rent charge intended to be secured, the interest, if any, and the events in which such sum, annuity or rent charge shall become and cease to be payable, also any special covenants or powers, and any modification of the powers or remedies given to an encumbrance by this Act*): And subject as aforesaid, the said C.D. shall be entitled to all powers and remedies given to an encumbrancee by *The Land Titles Act*.

Signed by the above named
.....in the presence of.....
(*Insert memorandum of mortgages and encumbrances.*)

(Signature of encumbrancer.)

(This form "P" although struck out by subsection 5 of section 11 of *The Statute Law Amendment Act* (Part I), 1909, is still the form used under subsection 2 of section 60 of *The Land Titles Act*.)

FORM P.

(Section 60 (2).)

AFFIDAVIT TO BE FILED WITH A MORTGAGE OR ENCUMBRANCE.

I, (name of mortgagor or encumbrancer, as the case may be) of the.....
of.....of.....make oath and say:

1. I am the mortgagor (or encumbrancer, as the case may be), named in the hereunto annexed instrument, bearing date the..... and made in favour of.....against (describe the lands mortgaged or encumbered).

2. The grant from the Crown of the said land has not yet been issued, but I claim to be the party rightfully in possession of the said land and to be entitled to create the said mortgage (or encumbrance) and that particulars of my possession and title to the said lands are as follows: (Here must be given such information as will satisfy the registrar as to the mortgagor's or encumbrancer's right to create the mortgage or encumbrance, and in the case of such mortgagor or encumbrancer of land entered for by him as a homestead or pre-emption under the provisions in that behalf contained in *The Dominion Lands Act*, that he has been recommended for patent and received his certificate or recommendation in accordance with the said provisions).

Sworn before me..... }
this..... }
day of..... }

FORM Q.

(Section 66.)

TRANSFER OF MORTGAGE, ENCUMBRANCE OR LEASE.

I, C.D., the mortgagee, (encumbrancee or lessee, as the case may be), in consideration of.....dollars, this day paid to me by X.Y., of.....the receipt of which sum I do hereby acknowledge, hereby transfer to him the mortgage (encumbrance or lease, as the case may be, describe the instrument fully), together with all my rights, powers, title, and interest therein.

In witness whereof I have hereunto subscribed my name this..... day of.....19....

Signed by the said..... }
in the presence of..... }

C.D., (Transferrer.)
X.Y., (Transferee.)

FORM R.

(Section 66 (2).)

TRANSFER OF PART OF MORTGAGE ENCUMBRANCE.

I, C.D., the mortgagee, (encumbrancee or lessee, as the case may be) in consideration of.....dollars this day paid to me by X.Y., of....., the receipt of which sum I do hereby acknowledge, hereby transfer to him.....dollars of the mortgage (or encumbrance, as the case may be, describe the instrument fully) together with all my rights, powers, title, and interest therein, and the sum so transferred shall be preferred (or deferred or rank equally, as the case may be) to the remaining sum secured by the mortgage (or encumbrance).

In witness whereof I have hereunto subscribed my name this..... day of.....19....

Signed by the said..... }
in the presence of..... }

C.D., (Transferrer.)
Accepted, X.Y., (Transferee.)

FORM S.

(Section 70.)

SHORT COVENANTS IN MORTGAGE.

COLUMN ONE.

1. Has a good title to the said land.

2. Has the right to mortgage the land.

3. And that on default the (mortgagee) shall have quiet possession of the land.

COLUMN TWO.

1. And also, that the said mortgagor at the time of the sealing and delivery hereof, is, and stands solely, rightfully and lawfully seized of a good, sure, perfect, absolute and indefeasible estate of inheritance, in fee simple, of and in the lands, tenements, hereditaments and all and singular other the premises hereinbefore described, with their and every part of their appurtenances, and of and in every part and parcel thereof, without any manner of trusts, reservations, limitations, provisos or conditions, except those contained in the original grant thereof from the Crown, or any other matter or thing to alter, charge, change, encumber or defeat the same.

2. And also, that the said mortgagor now hath in himself good right, full power and lawful and absolute authority to mortgage the said lands, tenements, hereditaments, and all and singular other the premises hereby mortgaged or hereinbefore mentioned or intended so to be, with their and every of their appurtenances unto the said mortgagee, his heirs, executors, administrators and assigns in manner aforesaid, and according to the true intent and meaning of these presents.

3. And also, that from and after default shall happen to be made of or in the payment of the said sum of money, in the said above covenant mentioned, or the interest thereof, or any part thereof, or of or in the doing, observing, performing, fulfilling or keeping of some one or more of the covenants in this mortgage particularly set forth, contrary to the true intent and meaning of these presents, then and in every such case, it shall and may be lawful to and for the said mortgagee, his heirs, executors, administrators, and assigns, peaceably and quietly to enter into, have, hold, use, occupy, possess and enjoy the aforesaid lands, tenements, hereditaments, and premises hereby mortgaged or mentioned or intended so to be, with their appurtenances, without the let, suit, hindrance, interruption or denial of him the said mortgagor, his heirs, or assigns, or any other person or persons whomsoever.

4. Free from all encumbrances.

5. Will execute such further assurances of the land as may be requisite.

6. Has done no act to encumber the land.

4. And that free and clear and freely and clearly acquitted, exonerated and discharged of and from all arrears of taxes and assessments whatsoever due or payable upon or in respect of the said lands, tenements, hereditaments and premises, or any part thereof, and of and from all former conveyances, mortgages, rights, annuities, debts, judgments, executions and recognizances, and of and from all manner of other charges or encumbrances whatsoever.

5. And also, that from and after default shall happen to be made of or in the payment of the said sum of money in the said covenant mentioned, or the interest thereof, or any part of such money or interest or of or in the doing, observing, performing, fulfilling or keeping of some one or more of the covenants in this mortgage particularly set forth, contrary to the true intent and meaning of these presents and of the said covenants then and in every such case the said mortgagor, his heirs and assigns, and all and every other person or persons whosoever having, or lawfully claiming, or who shall or may have or lawfully claim any estate right, title, interest or trust of, in, to or out of the lands, tenements, hereditaments and premises hereby mortgaged, or mentioned, or intended so to be, with the appurtenances or any part thereof, by, from, under or in trust for him the said mortgagor, shall and will, from time to time, and at all times thereafter, at the proper costs and charges of the said mortgagee, his heirs, executors, administrators and assigns make, do, suffer and execute, or cause or procure to be made, done, suffered and executed, all and every such further and other reasonable act or acts, deed or deeds, devices, conveyances and assurances in the law for the further, better and more perfectly and absolutely conveying the said lands, tenements, hereditaments and premises, with the appurtenances unto the said mortgagee, his heirs, executors, administrators and assigns, as by the said mortgagee, his heirs, executors or his or their counsel learned in the law, shall or may be lawfully and reasonably devised, advised or required, so as no person who shall be required to make or execute such assurances shall be compelled, for the making or executing thereof, to go or travel from his usual place of abode.

6. And also, that the said mortgagor hath not at any time heretofore made, done, committed, executed or wilfully or knowingly

suffered any act, deed, matter or thing whatsoever, whereby or by means whereof, the said lands, tenements, hereditaments and premises hereby mortgaged or mentioned or intended so to be, or any part or parcel thereof, are, is or shall or may be in any wise impeached, charged, affected or encumbered in title, estate, or otherwise howsoever.

FORM T.

(Section 72.)

POWER OF ATTORNEY.

I, A.B., being registered owner of an estate (*here state nature of the estate or interest*), subject however, to such encumbrances, liens and interests as are notified by memorandum underwritten (*or endorsed hereon*), (*here refer to schedule for description and contents of the several parcels of land intended to be affected, which schedule must contain reference to the existing certificate of title or lease of each parcel*) do hereby appoint C.D. attorney on my behalf to (*here state the nature and extent of the powers intended to be conferred, as to sell, lease, mortgage, etc.*) the land in the said schedule described, and to execute all such instruments, and do all such acts, matters and things as may be necessary for carrying out the powers hereby given and for the recovery of all rents and sums of money that may become or are now due or owing me in respect to the said lands, and for the enforcement of all contracts, covenants or conditions binding upon any lessee or occupier of the said lands, or upon any other person in respect of the same, and for the taking and maintaining possession of the said lands, and for protecting the same from waste, damage, or trespass.

In witness whereof I have hereunto subscribed my name this day of 19....

Signed by the above named A.B. }
in the presence of } (Signature.)

FORM U.

(Section 73.)

REVOCATION OF POWER OF ATTORNEY.

I, A.B., of hereby revoke the power of attorney given by me to dated the day of 19...., and recorded in the Land Titles Office at for the Land Registration District, on the day of 19...., as Number

In witness whereof I have hereunto subscribed my name this day of 19....

Signed by the above named A.B. }
in the presence of } (Signature.)

FORM V.

(Section 79.)

TRANSFER OF LAND UNDER PROCESS OF LAW.

I, of the person appointed to execute the process hereinafter mentioned, in pursuance of a writ dated the day of

one thousand nine hundred and.....and issued out of (*insert name of court*), a court of competent jurisdiction, in an action wherein.....
is the plaintiff, and.....the defendant,
 which said.....is registered as the owner of the land hereinafter described, subject to the mortgages and encumbrances notified hereunder, do hereby in consideration of the sum of.....paid to me, as.....aforesaid, by *E.F.* (*insert addition*) TRANSFER to the said *E.F.* all that piece of land (*here insert a sufficient description of the land, and refer to the debtor's certificate of title or grant*).

Dated the.....day of.....
 one thousand nine hundred and.....

Signed by the above named }
in presence }
 of..... } (*Signature with official seal.*)
 }

Mortgages and encumbrances referred to. (*State them.*)

Or

FORM V.

(*Section 82.*)

TRANSFER OF LAND ON SALE FOR TAXES.

I,....., of....., by virtue of authority vested in me to sell lands for arrears of taxes by.....do hereby in consideration of the sum of.....paid to me by *E.F.* (*insert addition*) TRANSFER to the said *E.F.* all that piece of land being (*here insert a sufficient description of the land and refer to the certificate of title*).

Dated the.....day of.....one thousand nine hundred and.....

Signed by the above named }
in presence }
 of..... } (*Signature with official seal.*)
 }

Or

FORM V.

(*Section 79.*)

TRANSFER OF LEASE, MORTGAGE OR ENCUMBRANCE UNDER PROCESS OF LAW.

I,....., of....., the person appointed to execute the writ hereinafter mentioned (*or otherwise, as the case may be*), in pursuance of a writ of *fiat facias*, tested the.....day of.....one thousand nine hundred and.....and issued out of (*insert name of court*), a court of competent jurisdiction, in an action wherein.....is the plaintiff and.....the defendant, which said.....is registered as the owner of a lease (mortgage or encumbrance, *as the case may be*) numbered.....of (*or upon*) the land hereinafter described, subject to the mortgages or encumbrances notified hereunder, do hereby in consideration of the sum of.....paid to me as.....aforesaid, by *E.F.* (*insert addition*) TRANSFER to the said *E.F.* the lease, (mortgage or encumbrance) granted by.....to and in favour of....., dated the.....day of.....to, in and over (*here describe the land according to the description in the lease, mortgage or encumbrance, and refer to the registered instrument*).

Dated the.....day of....., one thousand nine hundred and.....

Signed by the above named }
in presence }
 of..... } (*Signature with official seal.*)
 }

Or

FORM V.

(Section 79.)

TRANSFER OF LAND UNDER DECREE OR ORDER OF A COURT OF
COMPETENT JURISDICTION.

I (*insert name*), in pursuance of a decree (or order) of (*insert name of court*), a court of competent jurisdiction, dated the.....day of....., one thousand nine hundred and....., and entered in the register, vol....., fol..... hereby TRANSFER to *E.F. (insert addition)*, subject to the mortgages and encumbrances notified hereunder, all that piece of land being (*here insert a sufficient description of the land and refer to the certificate of title or grant.*)

Dated the.....day of....., one thousand nine hundred and.....

Signed by the above named }
....., in presence }
of } (*Signature with official seal.*)
Mortgages and encumbrances referred to. (*State them.*)

Or

FORM V.

(Section 79.)

TRANSFER OF LEASE, MORTGAGE OR ENCUMBRANCE, UNDER DECREE
OR ORDER OF A COURT OF COMPETENT JURISDICTION.

I (*insert name*), in pursuance of a decree (or order) of (*insert name of court*), a court of competent jurisdiction, dated the.....day of....., one thousand nine hundred and....., and entered in the register, vol....., fol..... hereby TRANSFER to *E.F. (insert addition)*, subject to the mortgages and encumbrances notified hereunder, the lease (or mortgage or encumbrance, as the case may be) granted by.....in favour of.....of (or upon) all that piece of land (*here insert description of the land according to the description in the lease, mortgage or encumbrance, and refer to the registered instrument.*)

Dated the.....day of....., one thousand nine hundred and.....

Signed by the above named }
....., in presence }
of } (*Signature with official seal.*)
Mortgages and encumbrances referred to. (*State them.*)

FORM W.

(Section 84.)

CAVEAT FORBIDDING REGISTRATION.

To the Registrar for.....

Take notice that I (*insert name and addition of caveator*) claim (*specify the estate or interest claimed*) in (*describe land and refer to certificate of title*), standing in the register in the name of.....; and I forbid the registration of any person as transferee or owner of, or of any instrument affecting the said estate or interest, unless such instrument be expressed to be subject to my claim. I appoint.....as the place at which notices and proceedings relating hereto may be served.

Dated this.....day of....., 19....

.....
(*Signature of Caveator or his Agent.*)

FORM X.

(Section 85.)

AFFIDAVIT IN SUPPORT OF CAVEAT.

I, (*the Caveator or his Agent*), make oath and say (*or solemnly declare*) as follows:

1. I am the within-named caveator (*or agent for the above named caveator*).

2. I believe that I have (*or the said caveator has a good and valid claim upon the said land (mortgage or encumbrance), and I say that this caveat is not being filed for the purpose of delaying or embarrassing any person interested in or proposing to deal therewith.*

Sworn before me, etc.

FORM Y.

(Section 89.)

NOTICE TO CAVEATOR TO TAKE PROCEEDINGS ON CAVEAT.

Take notice that the caveat lodged by you in the Land Titles Office for the district of.....on the.....day of.....19...., forbidding the registration of any person as transferee or owner of or of any instrument affecting the estate or interest claimed in your caveat in respect of (*describe land and refer to certificate of title*) unless such instrument be expressed to be subject to your claim, will cease to have any effect after the expiration of sixty days (*or such shorter time as the judge may order*) next ensuing the date at which this notice is served or sent to you by registered mail, unless in the meantime you take proceedings in court on your caveat. This notice is given pursuant to section 89 of *The Land Titles Act*.

Dated at.....the.....day of.....19....

To (*the caveator*).

at (*address stated in the caveat*).

.....
(*Signature of person giving the notice.*)

FORM Z.

(Section 102.)

AFFIDAVIT OF ATTESTATION OF AN INSTRUMENT.

I, (*A.B.*) of....., in the....., make oath and say:

1. I was personally present and did see.....named in the (*within or annexed*) instrument, who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein;

2. That the same was executed at the.....in the....., and that I am the subscribing witness thereto;

3. That I....., know the said.....and he is in my belief of the full age of twenty-one years.

N.B.—Where an instrument is executed by an attorney under the provisions of section 72, paragraph 3 may be omitted.

Sworn before me at....., in }
the....., this..... }
day of.....A.D. 19.... }

.....
(*Signature.*)

FORM AA.

(Section 113.)

REFERENCE BY REGISTRAR TO THE JUDGE.

(Place and date.)

In the matter of the registration of transfer (or, as the case may be) A.B. to C.D.

The Registrar under section one hundred and thirteen of *The Land Titles Act* hereby refers the following matter to the judge, to wit: (*Here state briefly the difficulty which has arisen.*)

The parties interested, so far as the Registrar knows or has been informed are: (*Here give the names.*)

(Official seal.)

(Signature),
Registrar.

FORM BB.

(Sections 114 and 115.)

DEMAND TO RETURN CERTIFICATE OF TITLE.

To (*name of owner or whoever is custodian of certificate*).

You are hereby required to forward to the Land Titles Office certificate of title No., in favour of (*insert owner's name*) for (*description of land*) as the same is required by me pursuant to the provisions of *The Land Titles Act* for the purpose (*purpose for which certificate is required and whether or not by direction of a judge*).

Your attention is called to the provisions of sections 114 and 115 of the said Act, and the penalty therein provided for neglect or refusal to comply with this demand.

A.B.,
Registrar.....District.

FORM CC.

(Section 124.)

I,, Alberta land surveyor, do solemnly declare that the survey represented by this plan has been made by me in accordance with the provisions of *The Alberta Surveys Act*, and that this plan is correct and true to the best of my knowledge and belief, and is prepared in accordance with the provisions of *The Land Titles Act*.

Dated at.....this.....day of....., 19....
in the presence of.....

FORM DD.

(Section 102.)

AFFIDAVIT OF ATTESTATION OF AN INSTRUMENT BY MARKSMAN.

I, A.B., of.....in the.....make oath and say:

1. I was personally present and did see.....named in the within (or annexed) instrument, who is personally known to me to be the person named therein, duly sign and execute the same, by making his mark thereto, for the purposes named therein.

2. That the said instrument was read over and fully explained to the said.....before the execution thereof and.....seemed to fully understand the same.

3. That the said instrument was executed at the.....
ofin the.....and that I am the
subscribing witness thereto.
4. That I know the said....., and he is in my belief of
the full age of twenty-one years.

Sworn before me at.....
in the.....
this.....day of.....
A.D. 19..... }
..... (Signature.)

N.B.—Where an instrument is executed by an attorney under the provisions
of Section 72, paragraph 4 may be omitted.

FORM EE.

(Section 17 (2).)

THE LAND TITLES ACT.

..... Land Titles Office,.....
Alberta Land Registration District.
Re.....
I hereby certify that on this.....day of.....
A.D. 19....., at.....o'clock.....m.. Certificate of Title Number.....
stood in the name of.....for the above land subject
to the following registered instruments only:

No. of Instrument	Nature of Instrument	Date of Instrument	Date of Registry	Grantor, etc.	Grantee, etc.	Quantity of land	Consideration

.....
Registrar,
..... Alberta Land Registration District.

FORM FF.

(Section 17 (3).)

Land Titles Office.

..... Alberta Land Registration District.
I hereby certify that on this.....day of.....
A.D. 19.....at.....o'clock.....m., there are no decrees, orders or
executions entered in the execution register of the above office, and no instru-
ment referring generally to lands entered in any other register of such office,
which affects lands of.....
.....
.....
excepting:

.....
Registrar,
..... Alberta Land Registration District.

FORM GG.

(Section 71.)

..... Alberta Land Registration District.

Certificate of Charge.

Mortgage or Encumbrance.

Mortgage or Encumbrance No. Application No.

Assignment No. Certificate of Title No.

This is to certify that a

..... made by

to

for the sum of

dollars affecting

.....

was duly registered in the Land Titles Office at

Alberta, on the day of A.D. 19

at o'clock m., and that no registered

mortgages or encumbrances affecting the said lands are entitled to priority

over the said

except the following, that is to say:

.....

Dated at the Land Titles Office at, Alberta,

this day of A.D. 19

Registrar.

..... Alberta Land Registration District.

FORM HH.

(Section 53a.)

I, a Dominion Land Surveyor, do solemnly declare that the survey represented by this plan has been made by me and that the said plan is correct and true to the best of my knowledge and belief and is prepared in accordance with the provisions of *The Land Titles Act*.

Dated at this day of

19, in the presence of

FORM II.

(Section 117.)

CANADA:

PROVINCE OF ALBERTA

I, (name in full, no initials) of (residence), (occupation), make oath and say:

1. I am the transferror (or transferee or agent, of the transferror or and transferee) in the within (or above) transfer mentioned and I know the land above (or within) described.

2. The improvements upon the said lands consist of the following and are of the fair value set out opposite each:

Building used as a \$

Building used as a \$

Building used as a \$

(setting out every building.)

..... of fencing

(stating length)

Clearing acres

Breaking acres

crops now upon the land acres

Garden improvement

Well

Other improvements

(describing them)

Total... \$

3. The land alone, without improvements, is of the fair value of dollars, the total value of the lands, with the improvements, being at the date hereof dollars.

4. I know the circumstances of the above (or within) transfer and the consideration named therein is the true consideration passing between the parties.

Sworn before me at the city of }
in the Province of Alberta, this.... }
day of A.D. 1913. }

.....
A commissioner, etc.

(1913 (2nd Session), c. 2, s. 9.)

FORM WW.

To the Registrar for

Take notice that I,, the wife of the owner of a homestead within the meaning of section 2 of *The Married Woman's Home Protection Act* described as follows: (*describe land by lot and plan or section number*); and I forbid the registration or any transfer, mortgage, encumbrance, lease or other instrument made by or on behalf of my said husband affecting the said homestead.

I appoint as the place at which notices and proceedings relating hereto may be served.

Dated this day of, 19....

.....
(*Signature of Caveator or her Agent.*)

(1915, c. 4.)

ORDER IN COUNCIL.

TARIFF OF FEES UNDER "THE LAND TITLES ACT."

Edmonton, Thursday, February 22, 1912.

His Honour the Lieutenant Governor, by and with the advice of the Executive Council, has been pleased to order that the Tariff of Fees under *The Land Titles Act* approved of by Order in Council No. 564, 1906, and other Orders in Council amending the same, be repealed, and that the Tariff of Fees hereto annexed be substituted therefor and that the Fees to be exacted by each Registrar of a Land Registration District or by his Deputy or the Acting Registrar (as the case may be), in the event of the death or absence from office of the Registrar, for the services to be done and performed by a Registrar under and by virtue of the provisions of *The Land Titles Act*, or of any Act or Acts passed in amendment thereof, shall be those which are set out in the said Tariff of Fees.

LAND TITLES ACT.—TARIFF OF FEES.

By Order in Council passed the twenty-second day of February, A.D. 1912, the Tariff of Fees in force under Order in Council dated the 12th day of October 1906, and amending Orders is repealed and the following tariff substituted:

Fees on Grants from the Crown.

1. Each certificate of title for land granted to a person or company who has obtained a patent under a homestead or under a homestead and pre-emption entry, or under Half-Breed land scrip or military bounty land scrip, in accordance with *The Dominion Lands Act* and amendments thereto shall be issued, and a duplicate thereof shall be delivered or mailed to the person or company entitled thereto, free of charge.

2. In the case of other patentees the fee payable upon the issue of each certificate of title and duplicate, including the delivery or mailing thereof, to the person or company entitled thereto, shall be \$5.00

Fees on Application to Bring Land under the Act.

3. Each certificate of title issued in accordance with an application made under the provisions of section 27 of the said Act, where at the time of the issue of such certificate the patent is the only instrument in the hands of the registrar affecting the land, shall be issued, and a duplicate thereof shall be delivered or mailed to the person or company entitled thereto for a fee of \$2.00
4. For certificate of title on an application to bring land under the Act in cases other than those provided for in the last item, which shall include the fees to be paid to the assurance fund, and for the duplicate certificate of title and abstract and all filings, searches and inspections—
- (a) Where the value of the land does not exceed \$500 \$5.00
 - (b) Where the value is over \$500 and up to \$1,000 \$7.00
 - (c) For each additional \$500 or fraction thereof until the value reached is \$5,000, add \$1.00
- And for each additional \$1,000 thereafter or fraction thereof, add \$1.00 (See, however, item No. 38.)

Fees on Transmissions.

5. For certificate of title on a transmission, including fees for duplicate thereof and for registration, searches and all other services connected therewith, but not including fees payable to assurance fund . . \$5.00
- If the land transmitted is included in more than one certificate of title, for entering memorandum on each certificate of title and duplicate thereof after the first certificate \$1.00
- (See, however, item No. 38.)
6. For entering executor or administrator as transferee or proprietor of a mortgage on a transmission \$1.00
7. For entering survivor or other person as proprietor in the case of a joint proprietorship \$1.00
8. For new certificate of title to registered female owner on her marriage, including duplicate thereof, and all filings, memorandums and services connected therewith \$3.00
9. For a certificate of title to an assignee for the benefit of creditors, including duplicate thereof \$3.00

Fees for Registration or Filing.

10. For registering a transfer and issuing a certificate of title thereon and duplicate thereof and including fees for memorandums, searches and inspections—
- (a) Where the value of the property does not exceed \$500, including fees payable to assurance fund \$3.00
 - (b) Where the value of the property is over \$500 \$4.00
- And in addition the fees payable to the assurance fund.
- (See, however, items Nos. 13 and 38.)
11. For registering or filing any lease (exclusive of the fee of \$2.00 for leasehold certificate of title), encumbrance, or charge, (other than a mortgage) surrender or power of attorney, including all memorandums, searches and other services connected therewith \$1.50
- (See, however, item No. 13.)
- (a) For every such encumbrance after the first \$1.50
12. For registering or filing any certificate, order or decree of a court or judge, or any assignment or discharge wholly or partially of a mortgage, encumbrance or charge; or a satisfaction of an annuity, or any other instrument affecting land other than those particularly specified in this tariff, but not including mechanics' liens, including all memorandums, searches and other services connected therewith \$1.00
- (See, however, item No. 13.)
13. When any instrument registered deals with or affects land in more than one certificate of title, for each memorandum after the first memorandum50
14. For filing each caveat and for preparing and mailing the notices in connection therewith \$2.00
15. For entering withdrawal of caveat \$1.00
16. For every extra memorial required to be made in connection with the filing or withdrawal of a caveat50

17. For registering or filing writ of <i>fiery facias</i> or a satisfaction or withdrawal thereof, including all memorandums and other services connected therewith.....	\$1.00
17(a). For registering a mortgage (including all memorandums, searches and other services connected therewith) where the money secured does not exceed \$5,000.....	\$2.00
On each \$1,000 or fraction thereof over \$5,000 up to \$10,000, a further fee of \$1.00; on each \$1,000 or fraction thereof, over \$10,000 up to \$50,000, a further fee of 50c; and on each \$1,000 or fraction thereof, over \$50,000 a further fee of 25c.	

Plans.

18. For registration of each plan of subdivision, exclusive of extra certificates of title.....	\$10.00
And a further fee for each lot or separate parcel into which the land is proposed to be subdivided, as shown on plan.....	.50
19. Registration of Order cancelling or varying plan.....	\$2.00
20. Receiving plan profile or book of reference of railway right of way, required to be deposited under any Railway Act.....	\$1.00
21. Receiving plan of railway right of way for filing under <i>The Land Titles Act</i> , for each mile of right of way shown on plan.....	\$1.00
22. Every blue print copy of plan or part of plan per square foot....	.15
Minimum fee.....	\$1.00
District Registrar's certificate on same.....	\$1.00
23. For all other services of surveyor per hour.....	\$2.00
24. For each map or plan deposited under any other Act than <i>The Land Titles Act</i> or <i>Railway Act</i>	\$1.00

General.

25. For taking each affidavit or solemn declaration.....	.20
26. For each search for each lot or parcel of land or for any name..	.25
27. For a certificate as to decrees, orders or executions, including one search, for one name.....	.50
And for each additional name.....	.25
28. For each certificate of charge.....	.50
29. For each abstract respecting land included in one certificate of title, or respecting each quarter section for which certificate of title has not been granted, including all charges for searches and certificates	.50
Provided that where the entries on such abstract exceed five in number an additional fee of ten cents for all such additional entries shall be charged.	
30. For production of each instrument filed or registered.....	.10
31. For returning the documents of title deposited in support of an application on withdrawal or rejection of any application for certificate of title.....	\$1.00
32. For certified copy of or extract from any registered instrument or instrument otherwise in the custody of the registrar, per first folio of 100 words.....	\$1.00
For every folio, or part of folio after first.....	.10
33. For each certificate and reference to a court or judge, excepting a reference made under section 113 of <i>The Land Titles Act</i>	\$2.00
34. For attending a court or judge on reference or on hearing of any petition or on any proceeding or on producing any document on any application or proceeding before a court or judge, for each hour.....	\$1.00
35. For a certificate of title or duplicate issued to replace one worn out, filled up, destroyed or lost.....	\$2.00
(a) Where a certificate of title or duplicate thereof has been lost or destroyed for perusing proof of loss and settling notice for publication and for all other services, excepting new certificates of title.....	\$1.00
36. For consolidating two or more certificates of title.....	\$2.00
For each memorial of cancellation after the first two.....	.50
37. For certificate of title issued on any instrument not otherwise provided for, and for duplicate certificate.....	\$2.00
38. If more than one certificate of title is required upon the same instrument, for each certificate with duplicate thereof after the first certificate.....	\$2.00
39. On each correction in a certificate of title, including examination of the evidence.....	\$1.00

40. On rejection of each instrument presented for registration, to be charged in the discretion of the Registrar.....	\$1.00
41. For each certificate signed by the Registrar, Deputy Registrar or Acting Registrar and authenticated by the registrar's official seal, and not otherwise provided for.....	.25

ASSURANCE FUND FEES.

NOTE.—In addition to the above fees there is payable to the assurance fund on the registration upon every absolute transfer of land after the issue of the first certificate of title therefor, one-fifth of one per cent. of the value of the land transferred if such value amounts to or is less than five thousand dollars, and one-tenth of one per cent. on the additional value where such value exceeds five thousand dollars; and upon every subsequent transfer upon the increase of value since the granting of the last certificate of title one-fifth of one per cent. if the increase is not more than five thousand dollars, and one-tenth of one per cent. on any excess over such five thousand dollars, such valuation in each case to be ascertained by the oath or affirmation of the applicant, owner, or person acquiring the land, or of such other person as the registrar believes to be acquainted with the value of the land and whose oath or affirmation he is willing to accept.

1906

CHAPTER 25.

An Act to make Regulations with respect to Coal Mines.

(Repealed and substituted—1913 (1st Session), c. 4, s. 139.)

1906

CHAPTER 26.

An Act to Regulate the Speed and Operation of Motor Vehicles on Highways.

(Repealed and substituted—1911-12, c. 6, s. 59.)

1906

CHAPTER 27.

An Act to prevent Frauds and Perjuries in relation to Sales of Real Property.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Contract to
be in writing

1. No action shall be brought whereby to charge any person either by commission or otherwise, for services rendered in connection with the sale of any land, tenements or hereditaments, or any interest therein unless the contract upon which recovery is sought in such action or some note or memorandum thereof is in writing signed by the party sought to be charged or by his agent thereunto lawfully authorized in writing.

Not to effect
action pending

2. This Act shall not apply to or affect any action or proceeding pending or any right or right of action existing at the date when this Act is passed.

1906

CHAPTER 28.

An Act respecting the Medical Profession.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

TITLE.

1. This Act may be cited as "*The Medical Profession Act.*" Short title

COLLEGE OF PHYSICIANS AND SURGEONS.

2. The College of Physicians and Surgeons of the Province of Alberta, hereby constituted, and the members of the said college and all persons hereinafter registered members of the said college under the provisions of this Act, shall be a body corporate under the name of the College of Physicians and Surgeons of the Province of Alberta and shall have perpetual succession as hereafter provided and the common seal, with power to acquire, hold, and dispose of real estate and chattel property for the purpose of the said college, and to sue and be sued. Incorporation

3. Every person registered as a member of the College of Physicians and Surgeons of the North-West Territories at the time of the coming into force of this Act, and whose fees are paid to said college, shall be registered as a member of the College of Physicians and Surgeons of the Province of Alberta by the registrar thereof without fee, and every person registered as aforesaid whose fees are in arrear shall upon payment of all arrears to the registrar of the College of Physicians and Surgeons of the North-West Territories receive a receipt therefor, and upon presentation of said receipt to the registrar of the College of Physicians and Surgeons of the Province of Alberta shall be registered as a member of said last mentioned college by said registrar without further fee. Members of old college

4. The registrar of the College of Physicians and Surgeons of the Province of Alberta shall as soon as possible after his appointment obtain from the registrar of the College of Physicians and Surgeons of the North-West Territories a certified list, under the seal of the college, of the members of the College of Physicians and Surgeons of the North-West Territories entitled to be registered as members of the College of Physicians and Surgeons of the Province of Alberta under the next preceding clause. Certified list

THE COUNCIL OF THE COLLEGE AND ELECTION OF MEMBERS.

Council of
the college

5. There shall be a council of the said College of the Physicians and Surgeons of the Province of Alberta to be appointed in the manner hereinafter provided for and hereafter referred to as the council.

Persons
entitled
to vote

6. The persons entitled to vote at election of members of the council shall be, as to the first election, the persons who at the time of the passing of this Act are registered members of the College of Physicians and Surgeons of the North-West Territories. As to all subsequent elections, all persons registered as members of the College of Physicians and Surgeons of the Province of Alberta under this Act.

Who eligible
as members

7. No person shall be eligible to be elected a member of the council who is not entitled to vote for a member of the council.

8. The number of persons to be elected as members of the said council shall be one for each of the medical electoral districts hereinafter referred to and the mode of election shall be by voting papers as hereinafter set out.

(a) There shall be one member elected for each of the following medical electoral districts, who shall be a resident of the district for which he is elected.

Number of
council

(b) For the purpose of this election the Province of Alberta shall be divided into seven medical electoral districts, to be known as districts Nos. 1, 2, 3, 4, 5, 6, and 7. These districts are made up from the present electoral districts of the Province of Alberta as existing for the purpose of the election of members to the first Provincial Legislature of the said province as follows:

Medical
electoral
districts

District No. 1—Is comprised of the Provincial Electoral District of Edmonton.

District No. 2—Is comprised of the Provincial Electoral Districts of Peace River, Athabasca, Saint Albert, Stoney Plain, Strathcona, Leduc, Sturgeon, Victoria.

District No. 3—Is comprised of the Provincial Electoral Districts of Vermilion, Wetaskiwin, Ponoka, Lacombe, Red Deer.

District No. 4—Is comprised of the Provincial Electoral Districts of Innisfail, Rosebud, Banff, Gleichen.

District No. 5—Is comprised of the Provincial Electoral District of Calgary.

District No. 6—Is comprised of the Provincial Electoral Districts of High River, Macleod, Pincher Creek.

District No. 7—Is comprised of the Provincial Electoral Districts of Lethbridge, Cardston, Medicine Hat.

(c) The boundaries, number and numbers of the above medical electoral districts are subject to change at any time by the council.

Conduct of
election

9. The charge and conduct of the election for the members of the first council shall be conducted by the registrar of the College of Physicians and Surgeons of the North-West Territories, and the said election shall be conducted in the manner set out in "*The Medical Profession Ordinance*," being chap. 52 of The Consolidated Ordinances of the North-West Territories, 1898, or the election of the council of that body, from section 3 to section 32 inclusive. All subsequent elections under this Act shall

be under the management of the registrar of the council, and such elections shall be held at such time and place as shall be determined by the council.

10. The person entitled to vote for any member of the council for any medical electoral district shall be only such members of the College of Physicians and Surgeons of the Province of Alberta as are actually resident in such district. 1910 (2nd Session), c. 2, s. 14 (1).

11. The registrar shall mail to each registered practitioner at least two months before the day on which the election is to be held a notice showing the day on which the election is to be held and the amount of fees, if any, owing by the said practitioner to the college. 1910 (2nd Session), c. 2, s. 14 (2). 1915, c. 2, s. 26.

12. The council shall appoint two persons, who shall act as Scrutineers scrutineers with the registrar at the election.

13. On the days succeeding the day of election the voting papers shall be opened by the registrar in the presence of the scrutineers, who shall scrutinise and count the votes, and a record thereof shall be kept by the registrar in a proper book to be provided by the said council. ^{Counting of votes}

14. The person who has the highest number of votes in each medical district shall be the member of the council for that district for the four years following the date of such election and until his successor is elected. ^{Term of office}

15. Any person entitled to vote at any election shall be entitled to be present at the opening of the voting papers at such election.

16. In case of an equality of votes between two or more persons, which leaves the election of one or more of the members of the council undecided, the scrutineers shall forthwith write upon separate slips of paper the names of the persons having such equality of votes, and put such papers in a ballot box; and the registrar, in the presence of the scrutineers, shall draw by chance from such ballot box one or more of such papers sufficient to make up the required number, and the person or persons whose names are upon such paper or papers so drawn shall be members of such council. ^{Equality of votes}

17. No person shall be entitled to vote at such election unless all fees to the college shall have been paid. ^{Voter's fees to be paid}

18. No person shall be eligible for election unless qualified to vote at such election, and any votes cast for any person who is ineligible shall be null and void, and the election shall be declared as if such votes had not been cast. ^{Eligibility for election}

19. In the event of any person placing more than one name on his voting paper for the district in which he resides the first one eligible shall be counted. 1910 (2nd Session), c. 2, s. 14. ^{Voting for more than one}

List of
voters

20. The Registrar shall one month prior to the day on which the election is to be held make out an alphabetical list or register of the registered medical practitioners who are entitled to vote at the election then about to be held, showing the medical electoral district in which each resides, and shall mail a copy of such list or register to each registered practitioner, along with a voting paper in the form A in the schedule to this Act, and such practitioner shall fill in the names of the members he is voting for on the voting paper, or one of the like effect, sign it, and return such voting paper closed to the registrar on any day preceding the day of election, and any such voting paper received by the registrar by post or otherwise previous to the day of election shall be deemed delivered to him. 1915, c. 2, s. 26.

Omission
from list

21. In case any medical practitioner entitled to vote complains to the registrar in writing of the improper omission or insertion of any name on the said list, it shall be the duty of the registrar forthwith to examine into the complaint and rectify such error if any there be, and advise complainant of his decision in writing by post within three days after receiving complaint; and in case any person is dissatisfied with the decision of the registrar, he may appeal to the judge of the Superior Court having jurisdiction in the province, provided that such appeal be lodged with the judge at least ten days before the day on which the election is to be held, and such judge shall decide the appeal in a summary way, and he may, if he deem it necessary, direct such notice of the time and place for hearing the appeal as he may prescribe, to be given to such person as he may specify; and if it is necessary to hear evidence on such appeal, it may be given *viva voce* under oath or by affidavit as the judge directs, and the decision of such judge shall be final and the list shall remain or be altered in accordance with such decision.

List to
be final

22. The list or register so made out shall be held to be the register of persons entitled to vote at the next election, and no person shall be entitled to vote whose name is not upon such register.

Regulations

23. The council may make such regulations as they may think expedient not contrary to the provisions of this Act for regulating the procedure in respect of such elections.

Destruction
of ballots

24. The voting papers belonging to any election shall not be destroyed until after all petitions in respect of such elections have been decided, but the same together with all other papers in connection with the election shall be retained by the registrar.

Petition
against
election

25. No petition against the return of any member shall be entertained unless such petition shall be filed with the registrar of the council within sixty days after the election, and shall contain a statement of the grounds on which such election is disputed and unless a copy of such petition is served upon the member whose election is disputed within sixty days of the date of the election.

Inquiry as
to legality
of election

26. In case of any doubt or dispute as to the legality of the election of any member to the council it shall be lawful for the council to hold an inquiry and decide who is the legally elected

member of the council; and the person whom they decide to have been elected shall be and be deemed to be the member legally elected, and if the election is found to be illegal the council shall have power to order a new election.

27. In case of the failure in any election under this Act to ^{New election} elect the required number of duly qualified members of the council, or in the event of any vacancy occurring from death, resignation or any other cause, of any member of the council, it shall be the duty of the registrar to hold a new election for such vacancy or vacancies as soon as possible and such election shall be conducted in the same manner as provided for the election of the full council.

PRESIDENT AND OFFICERS—MEETINGS OF THE COUNCIL.

28. The council shall elect annually from its own body a ^{Officers} president and vice-president.

(c) And such other officers as are necessary for the working of this Act.

(d) The council shall fix by by-law or resolution from time to time the salaries and fees to be paid to such officers and to the board of examiners hereinafter mentioned.

29. The council shall appoint annually from among its members ^{Executive Committee} an executive committee, to be called together by the registrar, to take cognizance of and action upon all such matters as may be delegated to it by the council, or as may require immediate interference or attention between meetings of the council; and all such acts shall be valid only till the next ensuing meeting of the council; but the committee shall have no power to alter, repeal, or suspend any by-law of the council.

30. The council may make such rules and regulations as to the times and places of future meetings of the council and the mode of summoning the same as to the council seems expedient, which rules and regulations shall remain in force until altered at any subsequent meeting; and in the absence of any rule or regulation as to summoning meetings of the council, it shall be lawful for the president thereof or in the event of his absence or death for the registrar to summon the same at such time and place as to him seems fit, by a circular letter to be mailed to each member. ^{Meetings of council}

31. (a) In the event of the absence of the president from any meeting, the vice-president, or in his absence some other member to be chosen from the members present, shall act as president.

(b) There must always be five members of the council present ^{Quorum} to form a meeting, and all acts of the council shall be decided by a majority of those present.

(c) At all meetings the president for the time being shall have a casting vote in the event of an equality of votes, in addition to the vote he is entitled to as a member of the council.

32. There shall be paid to members of the council such fees ^{Fees for attendance} for attendance and such reasonable travelling expenses as may from time to time be fixed by by-law or resolution passed by the said council.

REGISTRATION.

Medical
register

33. The council shall cause to be kept by the registrar a book or register to be known as the "Alberta Medical Register," in which shall be entered the name of every person registered according to the provisions of this Act, and from time to time the names of all persons who have complied with the provisions hereinafter contained, and those persons only whose names are inscribed in the book or register above mentioned, and who are not under suspension by the council, shall be deemed to be qualified and licensed to practise, as hereinafter provided, and such book or register shall at all times be open and subject to inspection by any person. 1911-12, c. 27, s. 1.

Duties of
registrar

34. It shall be the duty of the registrar to keep his register correct in accordance with the provisions of this Act and the rules, orders, and regulations of the council, and he shall from time to time make the necessary alterations in the addresses or qualifications of the persons registered under this Act, and the said registrar shall perform such other duties as may be imposed on him by the council.

THE COUNCIL SHALL PLACE UPON THE REGISTER.

Who may be
registered

35. The council shall admit upon the register any person who shall produce a certificate from the registrar of the University of Alberta that the person to whom such certificate is issued is duly qualified to practise medicine, surgery, midwifery, osteopathy or homeopathy, as the case may be, and the registrar of the council shall issue to such person the necessary license to practice on payment by such person of the registration fee hereinafter provided. 1908, c. 20, s. 31; 1911-12, c. 27, s. 2.

(2) The examination of candidates for admission to practise medicine, surgery, midwifery, osteopathy or homeopathy in the Province of Alberta shall be under the control of the University of Alberta, the examiners for this purpose being appointed by the Senate of the University. 1911-12, c. 27, s. 2.

(3) The subjects of all examinations under *The Medical Profession Act* and amendments thereto shall be such as shall be prescribed by the Senate of the University of Alberta. 1911-12, c. 27, s. 2; 1913, c. 2, s. 10 (1).

(4) The Senate of the University of Alberta may require any candidate to pass a matriculation or preliminary examination in such subjects as the said Senate may prescribe or may accept such qualification in lieu of such matriculation or preliminary examination as the said Senate may consider sufficient. 1911-12, c., 27, s. 2.

(5) The Senate of the University of Alberta shall fix the times when the examination of candidates shall be held and may make rules or regulations for the giving of notices by candidates of their desire to take the examination and for the fees to be paid therefor. 1911-12, c. 27, s. 2.

(6) The Senate of the University of Alberta may by resolution require that the persons presenting themselves for examination hereunder shall be graduates or licentiates of a university, school, college or association of medicine, surgery, midwifery, osteopathy or homeopathy, and may from time to time make

resolutions setting forth what universities, schools, colleges, or associations will be recognized for this purpose, and may rescind, alter or vary any such resolution. 1911-12, c. 27, s. 2.

(7) The persons registered under the provisions of this Act shall be restricted to the practice of that class or class of practice only for which they are certified to be qualified and for which they are registered under this Act. 1911-12, c. 27, s. 2.

(8) Before the Senate of the University shall grant a certificate that a person is duly qualified to practise osteopathy or homeopathy the Senate shall require such person to pass an examination satisfactory to the Senate in such subjects as the Senate may prescribe. 1911-12, c. 27, s. 2.

(9) Any person who has practised osteopathy in the Province of Alberta for at least four months immediately preceding the date of the passing of this Act shall be granted a certificate without examination that such person is duly qualified to practise osteopathy, provided that such person is a graduate or licentiate of a school, college or association of osteopathy recognized by the American Osteopathic Association. 1911-12, c. 27, s. 2.

(10) The council shall grant an interim license entitling the person named therein to practise medicine upon his producing a certificate from the registrar of the University showing that he is entitled to write upon the next examination of candidates for admission to practice, and upon his satisfying the council that he has located or will locate and practise, until having passed said examination at a place not less than 20 miles from any then licensed medical practitioner; provided that such interim certificate shall only continue in force until the holding of the next ensuing examination for admission to practice, unless the registrar of the University recommend the council to extend such interim license from time to time, no such period of extension to exceed one year. 1913, c. 2, s. 10.

(11) The council shall keep a register of all persons holding an interim license, and the council shall admit upon such register such persons upon payment by them of a registration fee of \$5.00 and all other registration and examination fees. 1913, c. 2, s. 10.

36. The council may at any time direct the name of any person improperly registered to be erased from the register by the registrar, and such name shall be so erased. Erase of names

37. Whenever there is established under the Act of the Parliament of Canada, known as "*The Canada Medical Act, 1902*," or any Act in amendment thereof or substitution therefor, a register for Canada of medical practitioners under the control of the medical council appointed or elected pursuant to the provisions of the aforesaid Act or Acts, then notwithstanding anything in this Act contained, any person duly registered in the said medical register for Canada as a medical and surgical practitioner shall be deemed qualified and entitled to be registered in the medical register of the Province of Alberta as a duly qualified medical and surgical practitioner, and such person shall be registered, and such registration shall be made upon production of a certificate under the hand of the registrar of the said medical council of Canada certifying that such person is duly registered in the said medical register of Canada, and upon satisfactory proof of identity of such Register for Canada

person, provided that such person may be required to pay such fee for such registration in the Province of Alberta as the medical council of the Province of Alberta may impose in that behalf, and provided that the provisions of this section shall not apply to or affect any person duly registered under the said Act at the time "*The Canada Medical Act, 1902,*" or any amendment thereof or substitutive Acts therefor become operative. 1910, (2nd Session), c. 2, s. 14.

FEEs.

Fees

38. The fee for registration under this Act shall be fifty dollars.

Annual fees

39. Each member shall pay to the registrar, or to any person deputed by the registrar to receive it, such annual fee as may be determined on by by-law of the council, not exceeding two dollars, towards the general expenses of the college, which fee shall be payable on the first day of January in each year, and such fee shall be deemed to be a debt due by each member of the college and shall be recoverable, with the costs of suit, in the name of the College of Physicians and Surgeons in the Province of Alberta.

Remission
of fees

40. The council may by resolution remit any annual fees due to the college by any member who is or has been resident out of the Province of Alberta during the period in respect of which such fees become payable.

GENERAL POWERS OF THE COUNCIL.

Powers of
council

41. The council shall from time to time, as occasion may require, make orders, regulations or by-laws for regulating the register to be kept under this Act, and shall from time to time make rules and regulations for the guidance of the examiners, and may prescribe the subjects and modes of examination, and generally make all such rules and regulations in respect of examinations not contrary to the provisions of this Act as the council may deem expedient and necessary.

(2) All rules, regulations or by-laws made by the council under this Act, except such as refer to curricula of studies or subjects of examination to be taken by students or applicants for registration, shall be subject to the approval of the Minister of Education.

To make
rules, etc.

42. The council may from time to time make, alter or amend and repeal rules and regulations for the well-being and discipline of the council, the conduct of its affairs, and the promotion of medical and surgical knowledge, and the disposition of the funds of the council, provided such rules and regulations be not repugnant to this Act.

DISCIPLINARY.

Discipline
committee

43. The council shall from time to time appoint and shall always maintain for the purposes hereinafter named a committee of their own body, to be known as the discipline committee, not exceeding five in number, of whom the quorum shall be three, and may at any time alter the number, constitution and tenure of office of such committee.

44. The discipline committee shall investigate on a written order of the council the facts regarding any registered practitioner who shall have been convicted of an indictable offence, or who is known or reported to be guilty of or who is charged with unbecoming, improper or criminal conduct, professional or otherwise, and if the committee consider the offence warrants it, they shall direct the council to erase the name of such registered practitioner from the register, and the council shall order the registrar to strike the name of such person from the register as aforesaid, and he shall do so. Duties of discipline committee

45. If the committee consider that the offence is not of such gravity or importance as to warrant in their judgment the person's name being erased from the register, they may suspend such person from the privileges of a registered practitioner for such time as they may think fit, or may impose such other penalty or sentence as the offence warrants and order the council to have their finding carried out; and unless the offender shall within thirty days after receiving written notice from the registrar of the finding of the committee comply with their judgment, the council may suspend the offender from the privileges of a registered practitioner until judgment is complied with. The judgment of the committee under this section shall be final and not subject to any appeal; provided, however, that suspension under this section shall not exceed thirty days. Suspension or other punishment

46. The executive committee of the council under this Act may and upon the written application of any three registered practitioners to the council shall make a preliminary inquiry into the facts regarding such conduct of any registered practitioner as is set out in clause 44, and if the facts justify a reference to the council for a more thorough and complete investigation, the executive committee shall make such reference and the council shall order an investigation by the discipline committee as heretofore provided. Preliminary inquiry

47. The council or executive committee may demand if they see fit to do so, from any party or parties requesting an investigation, before undertaking the same, a reasonable amount as a deposit to cover the costs and expenses of such an investigation, and in case the investigation establishes the fact that the complaint was frivolous or vexatious, such deposit may be applied to cover the expenses of the same, otherwise the deposit is to be returned to the party or parties making it. Deposit for costs

48. The council may order to be paid out of the funds at their disposal such costs as may to them seem just to any person against whom any complaint has been made. Payment of costs

49. When the council directs the erasure from the register of the name of any person, the name of that person shall not be again entered on the register except by direction of the council or by an order of a judge of the said Superior Court. Erasure of name

50. If the council think fit in any case they may direct the registrar to restore to the register any name or entry erased there- Restoration of name

from, either without fee or on payment of such fee, not exceeding the registration fee, as the council may fix and the registrar shall restore the same accordingly.

Employment
of legal
assistance

51. The discipline committee appointed under section 43, as well as the executive committee of the council, may, for the purpose of the execution of their duties under this Act, employ at the expense of the council such legal or other assistance as these committees may think necessary, and the person whose conduct is the subject of inquiry shall also have the right to be represented by counsel.

Meetings of
committees

52. All meetings of such committees when held for taking evidence or otherwise ascertaining the facts shall be held within the judicial district where the member complained of resides or the alleged offence was committed.

Notice to
person com-
plained of

53. At least two weeks before the meeting of the committee to be held for taking evidence, or otherwise ascertaining the facts, a notice shall be served upon the person whose conduct is the subject of inquiry; and such notice shall embody a copy of the charges made against him or a statement of the subject matter of the inquiry, and shall also specify the time and place of such meeting. The testimony of witnesses shall be taken under oath, which the chairman or acting chairman of the committee is hereby authorized to administer, and there shall be full right to cross-examine all witnesses called and to adduce evidence in defence and reply.

Subpoena

54. For the purpose of procuring attendance and evidence of a witness before the committee, a judge of the said Superior Court may, on application of any party to the inquiry, order the issue by the clerk of the said court or a deputy thereof of a writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum*. The rules of evidence on such inquiry and the proceedings and penalties in the case of disobedience to any such writ shall be the same as obtain in civil cases in the said court.

Non-attend-
ance of
person com-
plained of

55. In the event of the non-attendance of the person whose conduct is the subject of such inquiry, the committee may, upon proof of personal service of the notice aforesaid in accordance with the provisions of this Act, which proof of service may be by statutory declaration, proceed with the subject matter of the inquiry in his absence and make the report of the facts without further notice to such person.

Appeal to
a judge

56. Any person whose name has been ordered to be erased from the register may appeal from the decision of the council to a judge of the said Superior Court at any time within six months of the date of the order for such erasure; and such judge may upon the hearing of such appeal make such order as to the restoration of the name so erased or confirming such erasure or for further inquiries by the committee or council into the facts of the case and as to costs as shall be just.

Procedure
on appeal

57. The appeal may be by summons for the council of the said college to show cause served upon the registrar and shall be founded upon a copy of the proceedings before the committee, the

evidence taken, the committee's report and the order of the council in the matter certified by the registrar; and the registrar shall upon the request of any person desiring to appeal furnish to any such person a certified copy of all proceedings, reports, orders and papers upon which the committee or council have acted in making the report or order complained of.

RIGHTS OF MEDICAL PRACTITIONERS.

58. Every person registered under the provisions of this Act and not under suspension shall be entitled to practise medicine, surgery and midwifery or any of them in the Province of Alberta, and to demand and recover in any court in the said province, with full costs of suit, reasonable charges for professional aid, advice and visits, and the costs of any medicine or surgical appliances rendered or supplied by him to his patients.

Right to practise

Recovering fees

59. No duly registered member of the College of Physicians and Surgeons of the Province of Alberta shall be liable to any action for negligence or malpractice by reason of professional services requested or rendered unless such action be commenced within one year from the date when in the matter complained of such professional services terminated.

Limitation of actions

60. No person shall be entitled to recover in any court of law for any medical or surgical advice or for attendance or for the performance of any operation or for any medicine which he may have prescribed unless he is registered under this Act and not under suspension.

No recovery of fees unless registered

61. No person shall be appointed as medical officer, physician or surgeon in any hospital or other charitable institution unless he is registered under the provisions of this Act and not under suspension. 1911-12, c. 4, s. 16.

Appointment in public service

62. No certificate required by any Act in force, or that may hereafter be passed, from any physician or surgeon or medical practitioner, shall be valid unless the person signing the same is registered under this Act and not under suspension.

Certificate required by law

INTERPRETATION.

63. The words "legally qualified medical practitioners" or "duly qualified medical practitioners," or any other words implying legal recognition of any person as medical practitioner or member of the medical profession, when used in any Act or law shall in so far as such Act or Law applies to the Province of Alberta be construed to mean a person registered under this Act and not under suspension.

Interpretation

63a. Any person shall be held to practise within the meaning of section 66 of this Act who shall (a) by advertisement, sign, or statement of any kind, allege ability or willingness to diagnose or treat any human diseases, ills, deformities, defects, or injuries; (b) or who shall advertise or claim ability or willingness to prescribe or administer any drug, medicine, treatment, or perform any

operation, manipulation, or apply any apparatus or appliance for the cure or treatment of any human disease, defect, deformity or injury; (c) act as the agent, assistant, or associate of any person, firm or corporation in the practice of medicine as hereinbefore set out, provided always that this section shall not apply to the practice of dentistry or pharmacy, or to the usual business of opticians, or vendors of dental or surgical instruments, apparatus and appliances. 1911-12, c. 27, s. 3.

(2) Nothing in this Act shall prevent private persons from giving necessary medical or surgical aid in times of urgent need providing that such aid be given without hire, gain or hope of reward. 1911-12, c. 27, s. 3.

PUBLICATION OF MEDICAL REGISTER.

Publication
of register

64. The registrar shall from time to time under the direction of the council cause to be printed and published a correct register of the names in alphabetical order, according to surnames, with the residences as in form B in the schedule to this Act or to the like effect, and shall issue yearly thereafter between the issues of such register, if not published yearly, an addenda to such register, containing the names, etc., as above set forth of the persons registered under this Act, together with the medical titles, diplomas and qualifications conferred by any college or body, of all persons appearing on the register as existing on the day of publication, and such register shall be called "The Alberta Medical Register," and a copy of the register for the time being purporting to be so printed and published as aforesaid shall be *prima facie* evidence in all courts in the Province of Alberta and before all justices of the peace and all others, that the persons therein specified are registered according to the provisions of this Act and subject to the provisions of subsection 2 of this section, the absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this Act.

Addenda

(2) In the case of any person whose name does not appear in such copy or addenda, a certified copy under the hand of the registrar of the entry of the name of such person on the register or addenda shall be evidence that such person is registered under this Act.

EVIDENCE OF REGISTRATION.

Evidence

65. In all cases where proof of registration under this Act is required to be made, the production of the printed or other copy of the register, or of any extract therefrom or addenda thereto certified by the registrar, shall be sufficient evidence of registration in lieu of the production of the original register, and any certificate purporting to be signed by any person in his capacity as registrar of the council under this Act and bearing the seal of the College shall be *prima facie* evidence that such person is such registrar without any proof of his signature or of his being in fact such registrar.

(a) But in any case where proof of registration or non-suspension is required to validate a witness's evidence, and a copy of the register, or addenda thereto, or of any extract therefrom certified by the registrar, or the production of the original register, is not

available without prejudicial delay to the cases or the parties interested, then and in such case the evidence of the person under oath claiming to be registered under this Act and not under suspension, that he is so registered and not under suspension shall be proof of same.

OFFENCES, PENALTIES AND PROSECUTIONS.

66. If any person, not registered pursuant to this Act either directly or indirectly, practise, or profess to practise medicine, surgery, midwifery, osteopathy or homeopathy or if any person registered in respect to one class of practice shall practise in respect to another class he shall, upon summary conviction thereof before a justice of peace, forfeit and pay for the first offence a penalty not exceeding fifty dollars, for the second offence a penalty of not less than fifty nor more than two hundred dollars and for a third or any subsequent offence to a penalty of not less than two hundred nor more than three hundred dollars: Unregistered persons

Provided that the provisions of this section as far as they refer to the practice of midwifery shall apply only to the territory included within the limits of any incorporated city, town or village having a resident registered practitioner therein. 1911-12, c, 27. s. 4.

67. Any person who wilfully or falsely pretends to be a physician, doctor of medicine, surgeon, or general practitioner, or assumes any title, addition, or description other than he actually possesses and is legally entitled to under this Act, shall be liable on conviction thereof before a justice of the peace to a penalty not exceeding fifty dollars. Pretending to be physician

68. Any person not registered pursuant to this Act, who takes or uses any name, title, addition, or description, implying or calculated to lead people to infer that he is registered under this Act, or that he is recognized by law as a physician, surgeon, or a licentiate in medicine, surgery, or midwifery, shall be liable upon summary conviction to pay a penalty of not less than twenty-five dollars and not more than one hundred dollars. Assumption of name or title

69. Any prosecution under this Act may be brought and heard before a justice of the peace. In case the penalty and costs awarded are not upon conviction forthwith paid the justice may commit the offender to the common jail there to be imprisoned for any term not exceeding one month unless the penalty and costs are sooner paid, and for a second offence a term not exceeding two months, and for a third offence a term of three months. Prosecution

70. In any prosecution under this Act the burden of proof of registration shall be upon the person charged. Burden of proof

71. Every prosecution under this Act shall be commenced within six months from the date of the alleged offence. Limitation of time

72. The council by an order signed by the president under the seal of the council may stay proceedings in any prosecution instituted by the council under this Act where it is deemed expedient. Staying proceedings

RETURNS.

Returns

73. The registrar, whenever required by the Lieutenant Governor in Council, shall transmit to the Provincial Secretary a certified return under the seal of the Council, setting forth all such information and particulars relating to the college as may from time to time be required or asked for.

Pending
application
for
registration

74. It shall be lawful for the registrar of the college of Physicians and Surgeons of the North-West Territories to add to the register the names of any person or persons who, being a graduate of any reputable medical college, has applied for registration or examination between the date of the last examination held by the said College of Physicians and Surgeons and the date of the passing of this Act and any such person or persons whose names have been so added as aforesaid shall for the purpose of this Act be deemed to have been members of the College of Physicians and Surgeons of the North-West Territories within the Province of Alberta:

Provided that in the event of the said registrar refusing or neglecting to add the names of any such persons as aforesaid, the Lieutenant Governor in Council may by order cause the names of any such persons to be added to the registry of the College of Physicians and Surgeons of Alberta.

SCHEDULE.

FORM A.

I, John James Brown, a registered practitioner, vote for the person hereinafter named to form a member of the Council of the College of Physicians and Surgeons of the Province of Alberta.

For District No. George Courtney.
and I declare that I am entitled to vote at this election and am not in default in payment of my fees to the College.

Dated April 1st, 19....

Witness

JOHN JAMES BROWN.

(1910 (2nd Session), c. 2, s. 14.)

FORM B.

Name	Residence	Name of medical elec- toral division	Qualification
A. B.	Banff	4	M.A.M.D. Toronto University
C. D.	Calgary	5	M.D. Glasgow, Scotland
E. F.	Edmonton	1	L.S.A. London, England
G. H.	Red Deer	3	M.D. New York, U.S.

1906

CHAPTER 29.

An Act to amend Chapter 29 of the Ordinances of the North-West Territories, 1903 (2nd Session), intituled "An Ordinance for the Protection of Game."

(Repealed—1907, c. 14, s. 37.)

1906

CHAPTER 30.

An Act to Supplement the Revenues of the Crown in the Province of Alberta.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Railways not exempt to be taxed upon their actual value

1. Every person, company or corporation owning or operating a line or part of a line of railway within the province shall pay a tax in respect of the railway or part thereof so operated and not exempt from taxation, based upon the actual value of such railway or part thereof so operated within the province, but both the person, company or corporation owning the lines or such part thereof and the person, company or corporation operating or working the said line or part or parts of a line as aforesaid shall be jointly and severally liable for the payment of the amount of such tax to the Provincial Treasurer.

Inquiry to be made

2. The Lieutenant Governor in Council may appoint such persons as he sees fit to ascertain the actual value of such railways or parts thereof within the province and for the purposes of such inquiry such persons shall have all the powers of a commission appointed under the Ordinance respecting Inquiries Concerning Public Matters, being Ordinance No. 12 of the Consolidated Ordinances of the North-West Territories.

Pending report value fixed at \$20,000 a mile

3. Until the actual value of such railways or parts thereof has been so determined, and such valuation thereof has been approved by the Lieutenant Governor in Council, or until the Lieutenant Governor in Council otherwise fixes such actual value, the same shall, for the purposes of this Act, be taken to be \$20,000 for each mile of such railway, or part thereof, so operated exclusive of switches and turnouts.

Statement to be submitted by railway

4. Every person, company or corporation owning or operating a line or part of a line of railway within the province, shall without any notice or demand to that effect deliver in duplicate to the Provincial Treasurer, on or before the first day of July in the year 1906, and on or before the first day of July in each succeeding year, a written statement correctly showing the number of miles of railway line, or part thereof, whether the same is or is claimed to be exempt from taxation or not, so operated by such person, company or corporation within the province, and specifying in such statement what portion of the said railway line, or parts thereof, is or is claimed to be exempt from taxation by the province, describing such line or part or parts thereof so exempt or claimed to be exempt by reference to stations or points within the province

in such a way as to enable the same to be easily identified, and setting out the number of miles of railway line or part or parts thereof so exempt or claimed to be exempt; and the authority under which such exemption is claimed.

5. Every person, company or corporation who, or which, and the manager or agent in the province of any company or corporation as aforesaid who neglects to conform to the provisions of the preceding section shall each be liable to a penalty of twenty dollars per day for each day during which default is made; and the person, company or corporation aforesaid shall also be liable to pay a tax of double the amount for which he or it would have been liable under this Act; and any penalty or such double tax may be recovered with costs in any court of competent jurisdiction in an action brought in the name of the Provincial Treasurer.

Provisions in case of default in furnishing statement

(2) In any such action the said Treasurer shall have the same right either before or after the trial to require the production of documents, to examine parties or witnesses, or to take such other proceedings in aid of the action as the plaintiff has or may take in any ordinary action.

Treasurer to have all rights of a plaintiff in an action

6. The Lieutenant Governor in Council may for good cause enlarge the time for making any such return.

Time may be extended

7. In default of such statement being so transmitted, or in case the Lieutenant Governor in Council considers that the statement so transmitted is incorrect in any particular, the Lieutenant Governor in Council may by order in council fix such mileage of such railway or part or parts thereof not exempt from taxation by the province at such number of miles as he considers correct.

Lieutenant Governor in Council may fix mileage

8. The tax so payable shall be one per centum of such actual value of such railways or parts thereof so fixed or determined as hereinbefore provided.

One per cent. of value to be paid

9. Such taxes shall be payable to the Provincial Treasurer on the first day of September in each year.

Time of payment

10. In cases of default in payment of any taxes by this Act imposed the same may be levied and collected with costs by distress upon the goods and chattels wherever found of the person, company or corporation liable therefor, under a warrant signed by the Provincial Treasurer, directed to the sheriff or other proper officer of any judicial district in which the person, company or corporation in arrear may have any goods or chattels, and in such case the sheriff, or other proper officer as aforesaid, shall realize the said taxes, or so much thereof as may be in arrear, and all costs by sale of such goods or so much thereof as may be necessary to satisfy the said warrant and costs; or the said taxes, or the penalty and double tax provided by this Act, or both may at the option of the said Treasurer be sued for and recovered with costs in any court of competent jurisdiction in an action to be brought in the name of the said Treasurer, and in such action the order in council referred to in section 7 hereof shall

Provision in case of default in payment

be *prima facie* evidence of the number of miles of railway line or part or parts thereof not exempt from taxation by the province so operated as aforesaid in the province by the person, company or corporation against whom or which such action is taken.

When Act
shall come
into force

11. This Act shall come into force upon the day it is assented to.

Railway,
meaning of

12. In this Act the word "railway" shall mean a line or part of a line of railway within the province which was constructed at a date seven years or more previous to the first day of September, 1905, or a line or part of a line of railway within the province which shall have completed seven years or more of existence at any time subsequent to the said first day of September, 1905, and in the event of any dispute arising as to whether a line or part of a line of railway is, or was at any particular time, a railway for the purposes of this Act, the same shall be settled by order of the Lieutenant Governor in Council, and notwithstanding anything in the original Act mentioned, the said original Act shall be taken only to have applied to such railways as are in this amendment described: 1908, c. 20, s. 17.

Taxes on
aided railways

Provided, however, that no tax shall be payable under this Act upon or with respect to any portion of a line of railway aided by a guarantee of bonds, debentures, debenture stock, or other securities under the provisions of any statute for a period of fifteen years from the date of the commencement of the operation of the portion of the line so aided, and thereafter during the currency of the guarantee as aforesaid the amount of taxes payable hereunder upon or with respect to such portion of any line of railway so aided shall not exceed an amount equal to \$30 per mile of the mileage of such portion of such line in the province:

Provided further that the periods hereinbefore provided for shall not together exceed the full period of thirty years in respect of any line of railway or portion thereof.

Power under
Sec. 3, how
exercisable

(2) The power given in section 3 of the original Act to the Lieutenant Governor in Council to fix the actual value of such railways or parts thereof as are within the purview of the said Act for the purpose of fixing and ascertaining the amount of taxes payable for the years 1906 and 1907 by the person, company or corporation owning or operating such line of railway or part of a line of railway, shall be exercisable by order in council at any time hereafter notwithstanding the fact that the taxes in respect of such railway or part thereof for the said years have become and are due and payable under the terms of the said Act. 1908, c. 20, s. 17.

(3) The chairman of the Executive Council of Alberta is hereby authorized to enter into a contract or contracts to carry out the intent and meaning of this section. 1909, c. 5, s. 10 (2).

1906

CHAPTER 31.

An Act empowering Municipalities to Establish and Operate Telephone Systems.

(Assented to May 9, 1906.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Municipal Telephone Act.*" Short title
2. Where the word "municipality" occurs in this Act it shall ^{Meaning of "municipality"} be taken to include any city, town, incorporated village, or duly constituted local improvement district, but shall not include a large local improvement district.
3. Every municipality shall have all the powers necessary ^{Municipalities may establish telephone systems} to enable it to construct or purchase and maintain and operate a system of telephones and telephone lines within its corporate limits, and to equip the same with all appliances necessary for carrying on a telephone exchange business after construction or purchase of any such works or telephones and telephone lines, to operate the same as commercial undertakings in all respects as if the same were owned or operated by any private person or corporation, and from time to time to improve, enlarge or extend any of said works, and, if deemed necessary or advisable, at any time afterwards to lease or sell and absolutely dispose of the same or any of them:
Provided, however, that every village or local improvement district shall, before exercising the powers by this Act granted, submit to the Department of Public Works a description of the telephone service proposed to be established by it, together with such further information in relation thereto as may be required by the Minister of Public Works, and also a statement showing the area of the assessable land in such village or local improvement district, and the amount proposed to be raised by special assessment as hereinafter mentioned, and no village or local improvement district shall be entitled to exercise the powers by this Act granted without having first obtained the consent of the Minister of Public Works, and subject to such conditions as he may see fit to impose:
And provided further that no village or local improvement district shall be entitled to lease or sell or dispose of the telephone system or any part thereof established by it under the powers in this Act granted without the consent of the Minister of Public Works.

May employ
engineers, etc.

4. Every such municipality shall have power to employ and appoint engineers, surveyors, officers and other persons for the purpose of constructing, improving and adding to any of said works and maintaining and operating the same, and to rent or purchase such lands, works, buildings, privileges and yards as in its opinion may be necessary to enable it to carry out the objects of this Act, and may make all contracts necessary in carrying out any such undertaking.

May break up
public streets

5. Every such municipality may break up, dig and trench so much and so many of the public streets and lanes as may be necessary for erecting poles, wires and other appliances required in carrying out any such undertaking, or for taking up, altering and renewing all such poles, wires or other appliances as to it may seem expedient.

May enter
private
property

6. If in any case it shall seem more convenient for such municipality to erect its poles upon, under or through private property, instead of upon, under and through public streets, it is hereby authorized and empowered to cut and dig up, if necessary, and to erect its poles through, under or upon the lands and premises of any person or corporation owning such property, making in such cases compensation for any injury thereby done and restoring all such land and premises so far as may be to their original condition without unnecessary delay, and doing as little damage as possible in the execution of the powers hereby granted.

Separate books
of account to
be kept

7. Every such municipality shall keep or cause to be kept separate books and accounts of the receipts and disbursements for and on account of any such undertakings distinct from the books and accounts relating to the other property, funds and assets of the municipality.

Distribution of
telephones to
be regulated

8. Every such municipality shall regulate the distribution, supply and use of telephones in all places and for all purposes where the same may be required from time to time, and shall fix the charges therefor or for the use thereof and the times of payment, the discounts for prompt payment or for payment in advance, and the penalties for allowing payments to fall in arrears.

Rents,
payment
of rentals

9. All such charges, rents and rates, when collected, shall be paid over to the secretary-treasurer or overseer of the municipality and be by him placed to the credit of the proper account.

Municipality
may make
by-laws

10. Every such municipality shall have power from time to time to make, amend, change and enforce all necessary by-laws, rules and regulations for the general maintenance, management or conduct of any such undertaking, the officers and other persons employed therein, and for the collection of all charges, rents and rates, and to enforce payment of any such rates or rents or charges by discontinuing the service or otherwise, or by action or suit before any court of competent jurisdiction; and for the purposes of this Act all charges, rents, rates and accounts due to such

municipality for the use of telephones shall be treated in every way as if the same were taxes levied under the provisions of the law relating to assessments in such municipalities.

11. None of the property of the said municipality used in connection with such telephone service shall be subject to or liable for rent or liable to be seized or attached in any way by the possessor or owner of the premises wherein the same may be, or in any way whatsoever liable to any person for a debt of the person to or for whose use or for the use of whose house or building any appliances in connection with such service may be supplied by the said municipality, notwithstanding the actual or apparent possession thereof by such person. Property exempt from seizure

12. All officials and other persons employed by any such municipality in the construction, operation or management of any of said works or undertakings, or in the collection of charges, rents and rates, shall hold their offices at the pleasure of the council of the said municipality or as the council shall determine by by-law or resolution in that behalf, and shall give such security as the said council shall from time to time require. Employees to hold office during pleasure of council

13. Such municipality shall not be liable for damages caused by the breaking of any wires or other appliances, or for any shutting off of current by reason of accident to the works, wires or other appliances, or by reason of it being considered necessary to repair or replace any of the same. Municipality not liable for damages in certain cases

14. It shall be lawful for the officers of the said municipality and every person authorized by them for that purpose to have free access at proper hours of the day to all parts of every building in which current is delivered for the purpose of making repairs, or of inspecting or altering any wires or other appliances, or for the purpose of removing any or all of the same. Officers to have access to buildings

15. Every such municipality may sell and convey any lands or other property, real or personal, purchased for any of said undertakings, if the same shall cease to be required, or which the said municipality shall deem unnecessary therefor, either for cash or credit or partly cash and partly credit, with power to take a mortgage or mortgages to secure payment of the purchase money; the proceeds arising from any such sale to be added to and form part of the funds for the construction or maintenance of any such undertaking. Municipality may convey land, etc., when no longer required

16. Every such municipality shall have full, entire and exclusive possession, control and management of all such lands and works, wires, poles, appliances and all things appertaining thereto, and shall and may prosecute and defend any action or actions, suit or suits, or process, against any person or persons or corporation for money due for the use of such telephones, for the breach of any contract, express or implied, touching the execution or management of the works or use of telephones, or of any promise or contract made to or with the said municipality, and also for any injury, damage, trespass, nuisance or other wrongful act done, committed or suffered to the said lands, works, Exclusive control of all appliances given to municipalities

wires, poles and appliances or other things of any kind or any apparatus belonging to or connected with any part of the said works.

Revenue to be paid to proper officer of municipality

17. After the construction of any of the said works or undertakings all the revenues arising from or out of the use of telephones, or from the real or personal property connected with the said works or undertakings to be acquired by any such municipality, shall, after providing for the expenses attendant upon the maintenance of the said works or undertakings, be paid over to the treasurer, secretary-treasurer, or overseer, of the said municipality and applied by him as hereinbefore provided, and any surplus may be treated as ordinary revenue of the municipality.

Special assessment may be made

18. The council of every city, town or local improvement district and the overseer of every village establishing a municipal telephone system under the provisions of this Act may provide for the cost of the installation and maintenance of the same by a special assessment upon the assessable property in such municipality, and such assessment shall not be deemed to be part of, or taken into account in determining, the amount which any municipality is by law at the date of the passing of this Act entitled to raise by taxation.

Borrowing powers

19. Every municipality owning, possessing or operating a municipal telephone plant shall have power to borrow, in addition to all other borrowing powers, a sum or sums of money not exceeding one-half of the receipts of the previous year from its telephone business, and repayable during the current year, for the purpose of providing for the carrying on the undertaking during the year in which such loan was made.

Agreement may be made with Government of Alberta

20. Every municipality owning or operating any telephone system shall have power to enter, by by-law, into any agreement with any person, company, or municipality, or with the Government of Alberta providing for the erection, establishment and maintenance of a telephone system and for connection, inter-communication, joint operation, reciprocal use or transmission of business as between any telephone systems owned or operated by the respective parties, and for such consequent division of receipts, expenditures or profits or such payment of compensation, or such other financial or other adjustment between the respective parties as may be necessary or advisable for the purposes of the said agreement.

Use of telephones not to act as a disqualification as member of municipal council

21. No person shall be held to be disqualified from being elected or sitting as a member of the council of any such municipality by reason of his using telephones supplied by or from the works of such municipality.

Existing rights preserved

22. Nothing in this Act shall be taken to affect any right, power or franchise at the date of the passing hereof possessed, used or enjoyed by any municipality, person or corporation.

When Act to come into force

23. This Act shall come into force on the day upon which it is assented to.

(NOTE.—Chapters 32 to 76, inclusive, of 1906 are private Acts.)

1907

CHAPTER 1.

An Act for Granting to His Majesty Certain Sums of Money for the Civil Service for the Financial Year ending the Thirty-first Day of December, 1907.

(Assented to March 15, 1907.)

Most Gracious Sovereign:

WHEREAS it appears by Message from His Honour George Preamble
Hedley Vicars Bulyea, the Lieutenant Governor of the
Province of Alberta, and the Estimates accompanying the said
Message, that the sums hereinafter mentioned are required to
defray certain expenses of the Civil Service of this province not
otherwise provided for during the financial year ending the
Thirty-first day of December, one thousand nine hundred and
seven, and for other purposes relating thereto: May it there-
fore please Your Majesty that it may be enacted and be it enacted
by the King's Most Excellent Majesty, by and with the advice
and consent of the Legislative Assembly of the Province of
Alberta, as follows:

1. This Act may be cited as "*The Appropriation Act, 1907.*" Short title

2. From and out of the General Revenue Fund there may be paid and applied a sum not exceeding in the whole two million ^{\$2,763,974.13}
seven hundred and sixty-three thousand nine hundred and ^{granted for}
seventy-four dollars and eighteen cents (\$2,763,974.18) towards ^{year 1907}
defraying the several charges and expenses of the Civil Service
of the province for the financial year ending the thirty-first
day of December, in the year of our Lord one thousand nine
hundred and seven, not otherwise provided for and set forth
in schedule A to this Act, and also for the other purposes in
the said schedule mentioned.

And the sum of four hundred thousand dollars for the expenses
of legislation, maintenance of public institutions, salaries of
officers of the Government and civil service from the first day
of January, one thousand nine hundred and eight up to and
until the final passage of the estimates of expenditure for the
financial year one thousand nine hundred and eight, as set forth
in schedule B.

3. The due application of all moneys expended under this Act shall be accounted for. ^{Application to}
^{be accounted for}

SCHEDULE A.

I.

CIVIL GOVERNMENT—

Lieutenant Governor's Office.....	\$ 2,700.00	
Executive Council.....	40,900.00	
Attorney General's Department.....	15,940.00	
Provincial Secretary's Department.....	4,100.00	
Treasury Department.....	9,560.00	
Provincial Auditor's Office.....	8,530.00	
Public Works Department.....	39,740.00	
Education Department.....	12,180.00	
Agriculture Department.....	21,900.00	
		<hr/>
		\$155,550.00

II.

LEGISLATION.....	34,000.00
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III.

ADMINISTRATION OF JUSTICE.....	345,722.68
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IV.

PUBLIC WORKS.....	1,293,000.00
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V.

EDUCATION.....	365,675.00
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VI.

AGRICULTURE AND STATISTICS.....	435,576.50
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VII.

HOSPITALS, CHARITIES AND PUBLIC HEALTH.....	34,500.00
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VIII.

MISCELLANEOUS.....	99,950.00
	<hr/>
	\$2,763,974.18

SCHEDULE B.

SUM granted to His Majesty by the Act for the year one thousand nine hundred and eight and the purpose for which it is granted.

To defray the expenses of Legislation, Maintenance of Public Institutions, Salaries of the officers of the Government and Civil Service from January 1, 1908, up to and until the final passage of the Estimates of Expenditure for the financial year, 1908.....	\$400,000.00
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1907

CHAPTER 2.

An Act respecting Controverted Elections.

(Assented to February 11, 1907.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Controverted Elections Act.*" Short title

INTERPRETATION.

2. In this Act unless the context otherwise requires— Interpretation

1. The expression "the judge" shall mean a judge of the Judge
Supreme Court;

2. The expression "the clerk" shall mean the clerk of the Clerk
said court for the judicial district in which a petition is filed
as hereinafter provided.

PETITIONS.

3. At any time within thirty days after the publication by Time
the Clerk of the Executive Council of the notice prescribed by for election
section 236 of *The Alberta Election Act* any defeated candidate petitions
or any duly qualified elector of the electoral district in which
the election was held may petition against the undue return
or undue election of any candidate at such election. 1909,
c. 4, s. 12.

4. Such petition may be in form A in the schedule hereto; Form of
and shall within the time prescribed by the last preceding section petition
be filed in the office of the clerk of the Supreme Court for the Filing
judicial district in which such electoral district or the largest
part thereof is situated and shall contain the following
statements:

- (a) The right of the petitioner to petition;
- (b) The holding and result of the election in general terms;
- (c) In a brief form the facts and grounds relied on to
sanction the prayer;

and such petition shall conclude with a prayer that the election
may be declared void and set aside and it also may contain a
prayer that some other candidate at the election than the one
certified to be elected was duly elected.

SECURITY FOR COSTS.

5. The petitioner shall at the time he files such petition deposit Petitioner to
with the said clerk the sum of \$500 in current bank notes of the give security
for costs

Dominion of Canada or other current money as security for the respondent's costs of and incidental to the said petition and the proceedings thereunder.

SERVICE OF PETITION.

Respondent to
be served with
copy of petition

6. A copy of such petition shall be served on the candidate against whom such petition is filed (herein called the respondent) within twenty days after the same is so filed; and such service may be effected in the way that service of a writ of summons in an ordinary civil action in the said court is effected.

Extension of
time for service

7. Upon the judge being satisfied by affidavit either before or after the time hereinbefore limited for the service of a copy of the petition that every reasonable effort has been made to effect such service and that such service has not been effected, he may *ex parte* extend the time for effecting such service for a period not exceeding ten days and so from time to time until such service has been effected; or the judge may in such case make an *ex parte* order for substitutional service of such petition in such manner as he may direct.

Substitutional
service

ADDRESS FOR SERVICE.

Petitioner to
endorse address
for service on
petition

8. The petitioner shall endorse on the petition filed with the clerk and on the copy thereof served on the respondent an address for service (which shall not be more than three miles from such clerk's office) at which all summonses, notices, demands and other papers in the proceedings may be served on him; and in default of so doing such summonses, notices, demands and other papers in the proceedings may be served on him by being filed with the clerk.

Respondent
to file notice
of address
for service

9. The respondent shall within ten days after being served with a copy of the petition as hereinbefore provided file with the clerk a notice in writing specifying an address for service not more than three miles from such clerk's office at which all summonses, notices, demands and other papers in the proceedings may be served on him; and in default of so doing such summonses, notices, demands or other papers may be served on him by being filed with the clerk.

PRELIMINARY OBJECTIONS.

Respondent
may apply to
have petition
set aside

10. The respondent may at any time within twenty days after the service upon him of the petition apply to the judge to set such petition aside and have it removed from the files of the court on any of the following grounds:

- (a) That the petitioner is not qualified to file a petition;
- (b) That the petition was not filed within the prescribed time;
- (c) That the deposit has not been made as provided in section 5 hereof;
- (d) That the petition does not on its face disclose sufficient grounds or facts to have the election set aside or declared void;

(e) That service of a copy of such petition has not been made on him as herein prescribed; and the judge may (if satisfied that the application is well founded) order the petition to be set aside and removed from the files of the court with or without costs as he may direct; or (if not so satisfied) may dismiss the application with or without costs as aforesaid.

PARTICULARS.

11. Evidence need not be stated in the petition but the respondent may at any time within twenty days after service upon him of the petition (unless he makes an application under the last preceding section and if he does then within five days after such application is disposed of if it is refused or dismissed) apply to the judge for particulars or for further and better particulars of the facts and grounds relied on to sustain the prayer of the petition; and the judge may order such particulars as may be necessary to prevent surprise and to ensure a fair and effectual trial; and may prescribe the time within which such particulars shall be delivered and may in such order direct that in case such particulars are not delivered as prescribed the petitioner shall not be at liberty to give any evidence at the trial with respect to facts and grounds of which particulars are ordered and not delivered.

Respondent may apply for further particulars

PETITION CLAIMING SEAT; OBJECTIONS.

12. If the petitioner claims the seat for any other candidate than the one certified to be elected the respondent may within twenty days after service upon him of the petition (unless he applies to set aside the petition under section 10 hereof, and if he does then within ten days after such application is disposed of if it is refused or dismissed) file with the clerk a statement in form B in the schedule hereto, claiming that the seat ought not to be awarded to the candidate for whom it is so claimed because—

Respondent may file statement of objections if seat claimed for other than returned candidate

- (a) He is not qualified to be elected a member of the Legislative Assembly of the province;
- (b) He at the election in question was guilty of some act or acts in contravention of sections 254 to 260 both inclusive of *The Alberta Election Act*;

and serve a copy of such statement on the petitioner. 1909, c. 4, s. 12.

SETTING ASIDE OBJECTION.

13. The petitioner within ten days after service upon him of the said statement may apply to the judge to set such statement aside and have it removed from the files of the court on any of the following grounds:

Petitioner may apply to have statement of objections set aside

- (a) That it was not filed within the prescribed time;
- (b) That it was not served on him as herein prescribed;
- (c) That it does not on its face disclose sufficient grounds to have the election declared void as against the candidate for whom the seat is claimed;
- (d) That the petition does not claim the seat for any other candidate;

or if the statement is not served on the petitioner as herein directed, he may apply at any time to have it set aside and removed from the files of the court; and the judge may (if satisfied that any application under this section is well founded) order such statement to be set aside and removed from the files of the court with or without costs as he may direct; and if not so satisfied he shall dismiss the application with or without costs as he may direct.

EVIDENCE; PARTICULARS.

Petitioner
may apply
for further
particulars

14. Evidence need not be stated in such statement, but the petitioner may at any time within ten days after service upon him of the said statement (unless he makes application under section 13 hereof to set the statement aside, and if he does then within five days after such application is disposed of if it is refused or dismissed) apply to the judge for particulars or for further and better particulars of the facts and grounds relied on for the claim that the seat ought not to be awarded to the candidate for whom it is claimed in the petition; and the judge may order such particulars as may be necessary to prevent surprise and ensure a fair and effectual trial in the same manner and with the same consequence as prescribed in section 11 hereof.

PETITIONS AT ISSUE.

Petition
when at issue

15. If the said petition is not ordered to be set aside and taken off the files of the court the same shall be deemed to be at issue when all other orders (upon applications hereinbefore authorized to be made) by the judge have been made whether granting or refusing such applications or when the time for making such applications has expired if no such applications have been made.

Application
of petitioner
for time and
place of trial

16. At any time after the said petition is at issue the petitioner may apply to the judge to appoint a time and place for the trial of the petition; and the judge (on being certified that the petition is at issue) shall appoint a time and place for such trial.

Application
of respondent
for dismissal
of petition

17. If the petitioner does not within one month after the petition is at issue apply to the judge to appoint a time and place for the trial of the petition, the respondent may apply to the judge to dismiss the petition; and the judge may thereupon at the return of the summons (if the application is properly made) either dismiss the petition with costs or appoint a time and place for the trial of the petition.

GENERAL.

Petitions and
proceedings
thereunder
deemed cause
in court

18. The said petition and all proceedings thereunder shall be deemed to be a cause in the court in which the said petition is filed, and all the provisions of *The Judicature Ordinance* or of any Act hereafter passed or rules of court hereafter promulgated by competent authority in substitution for or amendment of *The Judicature Ordinance* or of the rules of court therein contained in so far as they are applicable and not inconsistent with

the provisions of this Act shall be applicable to such petition and proceedings; and the tariff of costs for clerks, sheriffs, solicitors and counsel, and interpreters whether prescribed by *The Judicature Ordinance* or under its authority or otherwise by competent authority, shall be applicable to such proceedings.

19. Applications to the judge shall be made in chambers and unless authorized to be made *ex parte* shall be made by summons. Applications to judge in chambers

TRIAL.

20. The judge shall attend at the time and place appointed for the trial and try the matters of the said petition and arising thereout; and such place of trial shall be an open court at which the usual officers of the court shall attend and perform their respective duties as in the case of any other trial in the said court; and such trial may be adjourned from day to day or for such further time as the judge may direct. Trial

JUDGE'S REPORT.

21. If the judge on such trial finds that the respondent was unduly returned or elected a member of the Legislative Assembly by reason of any of the matters alleged in the petition he shall forthwith after the expiration of fourteen days from delivering his judgment (unless his judgment is appealed and application is made for a stay as hereinafter provided) report such finding to the clerk of the Executive Council; and shall certify in such report for what cause he finds that the respondent was unduly returned or elected; and if the seat is by the petition claimed for another candidate than the respondent, and the judge finds at such trial that such other candidate is entitled to the seat, he shall so certify in the said report to the said clerk of the Executive Council and thereupon such other candidate shall be entitled to the seat in the place and stead of the respondent; but the judge shall not so find or certify such other candidate is entitled to the seat under any circumstances if he finds that he is not qualified by law to be a member of such Assembly or that at the election in question he was guilty of any acts in contravention of sections 254 to 260 both inclusive of *The Alberta Election Act*, provided that such want of qualification or acts (as the case may be) have been charged against such candidate in a statement filed under the provisions of section 12 hereof. 1909, c. 4, s. 12. Judge to report to clerk of Executive Council

(2) If the judge does not in such report certify that another candidate is entitled to the seat the election shall be void and set aside, and a writ of election shall be issued to fill the vacancy so created.

22. If the judge at the trial finds that the matters set forth in the petition are not proved to his satisfaction he shall dismiss the petition. Dismissal of petition

WITHDRAWAL OF PETITIONS.

23. The petitioner may at any time withdraw his petition by filing with the clerk a statement in writing that he so with- Withdrawal of petition

draws it and serving the respondent with a notice of such withdrawal; and in such case the judge shall on application order the petitioner to pay the respondent's costs of and incidental to the petition and the proceedings thereunder.

Withdrawal
of statement
by respondent

24. The respondent may at any time withdraw any statement filed by him under section 12 hereof by filing with the clerk a statement that he so withdraws it, and serving the petitioner with a notice of such withdrawal; and in such case the judge shall on application order the respondent to pay the petitioner's costs of and incidental to such statement.

ADMISSION OF UNDUE ELECTION.

Admission of
undue election
filed by respon-
dent, election
declared void

25. Unless the seat is claimed for a candidate other than the respondent, the respondent may at any time admit that he was unduly returned or elected by filing with the clerk a statement in writing admitting such fact and serving the petitioner with a notice that such statement has been filed; whereupon the judge shall on application order the respondent to pay to the petitioner his costs of and incidental to the petition; and shall report to the clerk of the Executive Council that the respondent has admitted that he was unduly returned or elected; whereupon the election shall be void and set aside and a writ of election shall be issued to fill the vacancy so created.

COSTS.

Costs in
discretion
of judge

26. Except when otherwise provided the costs of the petition and all matters incidental thereto and arising thereout shall be in the discretion of the judge.

Judge may
order costs to
be paid out
of security
deposited

27. If the judge at any time orders costs to be paid by the petitioner, he may (when the petition and all matters arising thereout have been finally determined and disposed of) order such costs to be paid out of the moneys deposited by the petitioner on filing the petition; but nothing in this section shall be construed as preventing the respondent from proceeding at any time to recover any costs that may have been awarded to him according to the ordinary practice of the court.

APPEAL.

Appeal to
court *en banc*

28. An appeal shall lie to the Supreme Court sitting *en banc* from any order or determination of the judge; and such appeal shall be had and taken and all proceedings relating thereto shall be had and taken and the Supreme Court *en banc* shall deal with such appeal in the same manner as appeals and the proceedings thereunder are had, taken and dealt with under *The Judicature Ordinance* or under any Act hereafter passed or rules of court hereafter promulgated by competent authority in substitution for or in amendment of the said *Judicature Ordinance* and of the rules of court therein contained.

Interlocutory
appeals

29. If such appeal is from an order or determination other than any finding or determination under sections 21 or 22 hereof

it shall not operate as a stay of proceedings unless so ordered by the judge; and the judge may for reasonable cause at any time set aside any stay of proceedings he may so order. Stay of proceedings

30. If such appeal is from any finding or determination under section 21 hereof the appellant shall (before the expiration of the fourteen days mentioned in that section) apply *ex parte* to the judge for a stay of proceedings; and the judge on being satisfied that notice of the appeal has been duly given shall make an order staying proceedings and shall not forward his report as provided in section 21 until the appeal is finally determined. Stay of proceedings on appeal from final judgment

(2) The other party may apply to the judge at any time before the appeal is lodged with the registrar or other proper officer of the court to have such stay set aside and the appeal quashed on the ground that the appeal is not being prosecuted with sufficient despatch; and the judge may if satisfied that there has been undue delay in prosecuting such appeal set aside the stay of proceedings and quash the appeal and in that case shall forthwith forward his report to the clerk of the Executive Council as provided in section 21. Application to remove stay for delay

(3) No order shall be made as provided in the preceding subsection if at the time of the application the appeal has been lodged with the said registrar or other proper officer as aforesaid.

31. When any appeal to the Supreme Court *en banc* is duly lodged with the registrar or other proper officer as aforesaid, it shall be proceeded and dealt with according to the practice of such court in appeals in civil causes; and the adjudication and finding of such court on such appeal shall be duly certified by the registrar or such other proper officer to the judge appealed from; and if the appeal is from any finding or determination of the judge under section 21 and such finding or determination is affirmed in whole or in part, the judge shall forthwith forward his report to the clerk of the Executive Council as provided in section 21 and as varied or modified by the order of the court *en banc* if so varied or modified. Hearing and adjudication of appeals
Report to the clerk of Executive Council

BALLOTS NOT TO BE COUNTED.

32. Nothing in this Act contained shall be construed to authorize the judge to count or recount the ballots cast at any election, but the count of such ballots and the recount (if any) under *The Alberta Election Act* shall be considered conclusive. 1909, c. 4, s. 12. No count of ballots by judge

33. This Act shall come into force immediately upon assent to the same being given.

SCHEDULE.

FORM A.

In the Supreme Court,
Judicial District of.....

Between A.B., Petitioner,
and
C.D., Respondent.

The petition of A.B. of (*stating petitioner's residence and occupation*) sheweth:

1. An election was held on the.....day of.....
A.D. 1..... (*state the date of the general polling day*) for the Electoral District of (*state the name of the electoral district*) at which C.D. and E.F. were candidates, and the said C.D. has been certified to be the person elected at such election.

2. The petitioner was a duly qualified elector at such election (*or the petitioner was a defeated candidate at such election*).

3. The petitioner says (*state here the facts and grounds on which the petitioner relies*).

Wherefore the petitioner prays that it may be declared that the election of the said C.D. is void and that it be set aside and (*if the seat is claimed for another candidate*) that it may be declared that the said E.F. was duly elected.

Dated the.....day of.....A.D. 19.....

FORM B.

In the Supreme Court,
Judicial District of.....

Between A.B., Petitioner,
and
C.D., Respondent.

The above named respondent, C.D., says that the seat claimed in the petition herein for the said E.F. ought not to be awarded to him because (*here state the grounds and facts on which the respondent relies*).

Dated the.....day of.....A.D. 1.....
C.D.

1907

CHAPTER 3.

An Act respecting the Supreme Court.

(Assented to February 11, 1907.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Supreme Court Act.*" Short title

INTERPRETATION.

2. In this Act, unless the context otherwise requires— Interpretation

(a) The expression "rules of court" includes the rules in force by virtue of this Act as well as any other rules to be made under the authority of this Act, and also includes forms; Rules of court

(b) The expression "cause" includes any action, suit or other original proceeding between a plaintiff and a defendant; Cause

(c) The expression "action" includes suit, and means a civil proceeding commenced in such manner as may be prescribed by rules of court; Action

(d) The expression "matter" includes every proceeding in the court not in a cause; Matter

(e) The expression "plaintiff" includes every person asking any relief (otherwise than by way of counterclaim as a defendant) against any other person by any form of proceeding, whether the same be taken by action, suit, petition, motion, summons, or otherwise; Plaintiff

(f) The expression "petitioner" includes every person making any application to the court either by petition, motion or summons otherwise than as against any defendant; Petitioner

(g) The expression "defendant" includes every person served with any process, or served with notice of or entitled to attend any proceedings; Defendant

(h) The expression "party" includes every person served with notice of or attending any proceeding, although not named on the record; Party

(i) The expression "judgment" includes decree; Judgment

(j) The expression "order" includes rule; Order

(k) The expression "oath" includes solemn affirmation and statutory declaration; Oath

(l) The expression "Court" means the court by this Act established; Court

(m) The expression "judge" means a judge of such court, and includes the Chief Justice; Judge

(n) The expression "verdict" includes the finding of a jury and the decision of a judge. Verdict

ORGANIZATION.

Organization

3. There shall be in and for the province a Superior Court of civil and criminal jurisdiction known as "The Supreme Court of Alberta":

Provided that for the purposes of reference in this or any other Act the said court may be styled "The Supreme Court."

SEAL OF COURT.

Seal

4. The said court shall have and use as occasion may require such seal as is authorized to be used by the Lieutenant Governor in Council; and any seal so authorized may afterwards be changed by the Lieutenant Governor in Council.

JUDGES.

Judges

Puisne judges

Powers
of judges

5. The court shall consist of a Chief Justice who shall be styled "The Chief Justice of Alberta," and eight puisne judges who shall be called and be the justices of the court; three of the judges of the Supreme Court and who shall reside at the City of Edmonton or at the City of Calgary, and the Chief Justice and justices of the court shall have, use, exercise and enjoy all the powers, rights, incidents, privileges and immunities of a judge of a Superior Court of Record, and all other powers, rights, incidents, privileges and immunities, as amply and as fully to all intents and purposes as the same were, on and prior to the fifteenth day of July one thousand eight hundred and seventy, used, exercised and enjoyed by any of the judges of any of Her late Majesty's Superior Courts of Law or Equity, or by the judges of Her late Majesty's Court of Exchequer as a Court of Revenue, or by the judges of the Court of Probate in England as well as by the judges of any of Her late Majesty's Courts created by Commissions of Assize, of Oyer and Terminer and of Gaol Delivery, or any of such Commissions. 1908, c. 20, s. 18 and 32, proclaimed, Vol 7, page 622 *Alberta Gazette*, 1913 (1st Session), c. 9, s. 38 (1); 1913 (2nd Session), c. 2, s. 11 (1), proclaimed, *Alberta Gazette*, 1914, Vol. 10, pages 53 and 165.

Writs of
certiorari

(2) Subject to any Statute prohibiting or restricting proceedings by way of *certiorari*, a single judge shall, in addition to his other powers, have all the powers of the court as to proceedings by way of *certiorari* over the proceedings, orders, convictions, and adjudications had, taken and made by justices of the peace, and in addition thereto shall have the power of revising, amending, modifying or otherwise dealing with the same; and writs of *certiorari* may, upon the order of a judge, be issued by the clerk of the court mentioned in such order returnable as therein directed.

Precedence
of judges

6. The Chief Justice of the court shall have rank and precedence over all other judges of any court in the province; and the puisne judges shall have rank and take precedence over the judges of any other court and between themselves according to seniority of appointment.

7. Every judge of the court previous to entering upon the Oath of judges duties of his office, shall take the following oath, to be administered by the Lieutenant Governor, the Chief Justice of the court, or any puisne judge thereof:

"I,, solemnly and sincerely promise and swear that I will duly and faithfully, and to the best of my skill and knowledge, exercise the powers and trusts reposed in me as Chief Justice (or one of the puisne judges) of the Supreme Court. So help me God."

8. Where a judge resigns his office and any case which has Judge resigning may give judgment been fully heard by such judge, either alone or jointly with other judges, stands for judgment, he may give judgment therein as if he were still a judge of the court; and any such judgment shall be of the same force and validity as if he were still such judge, provided that such judgment of the judge be delivered within six weeks after his resignation.

JURISDICTION.

9. The court shall within the province and for the adminis- Jurisdiction tration of the laws for the time being in force within the province, in addition to any other jurisdiction, rights, powers, incidents, privileges and authorities which immediately prior to the coming into force of this Act were vested in or capable of being exercised within the province by the Supreme Court of the North-West Territories, possess the jurisdiction which on the fifteenth day of July, one thousand eight hundred and seventy, was vested in, or capable of being exercised in England by—

1. The High Court of Chancery, as a Common Law Court, as well as a Court of Equity, including the jurisdiction of the Master of the Rolls, as a Judge or Master of the Court of Chancery, and any jurisdiction exercised by him in relation to the Court of Chancery as a Common Law Court;
2. The Court of Queen's Bench;
3. The Court of Common Pleas at Westminster;
4. The Court of Exchequer as a Court of Revenue, as well as a Common Law Court;
5. The Court of Probate;
6. The Court created by Commissioners of Assize and Oyer and Terminer and of Gaol Delivery, or any of such Commissions.

(2) The jurisdiction aforesaid shall include the jurisdiction which, at the commencement of this Act, was vested in or capable of being exercised by all or any one or more of the judges of the said courts, respectively, sitting in court or chambers, or elsewhere, when acting as judges or a judge in pursuance of any statute, law or custom; and all powers given to any such court, or to any judges or judge, by any statute; and also all ministerial powers, duties and authorities, incident to any and every part of the jurisdiction so conferred.

10. For the purpose of removing doubts and ambiguity but Removal of doubts as to jurisdiction not so as to restrict the generality of the next preceding section, it is declared and enacted that the court shall have the like

jurisdiction and powers as by the laws of England were, on the fifteenth day of July in the year one thousand eight hundred and seventy, possessed and exercised by the Court of Chancery in England in respect of the matters hereinafter enumerated or referred to, that is to say:

Fraud and
accident
Trusts, &c.

(a) Fraud, mistake and accident;

(b) In all matters relating to trusts, executors and administrators, co-partnerships and accounts, mortgages and awards, or to infants, idiots or lunatics and their estates;

Waste

(c) The staying of waste;

Specific
performance

(d) The compelling of the specific performance of agreements and contracts;

Discovery

(e) The compelling of the discovery of concealed papers or evidence, or such as may be wrongfully withheld from the party claiming the benefit of the same;

Multiplicity
of actions

(f) The preventing of multiplicity of actions or suits;

Decreeing
issue of letters
patent

(g) The decreeing of the issue of letters patent from the Crown to rightful claimants;

Avoiding
letters patent

(h) The decreeing of the repeal and of the making void of letters patent issued erroneously, or by mistake, or improvidently, or through fraud;

Powers
in cases not
provided for

(i) The administration of justice in all cases in which there exists no adequate remedy at law;

Injunction
staying waste

(j) The granting of injunctions to stay waste in a proper case, notwithstanding that the party in possession claims by an adverse legal title.

Equitable
rules of
decision
to govern

11. The rules of decision in the said matters in the last preceding section mentioned shall, except where otherwise provided, be the same as governed the Court of Chancery in England in like cases on the fifteenth day of July, one thousand eight hundred and seventy.

Relief against
forfeiture for
breach of
covenant
to insure in
certain cases

12. The court shall have power to relieve against a forfeiture for breach of a covenant or condition in any lease to insure against loss or damage by fire, where no loss or damage by fire has happened, and the breach has in the opinion of the court been committed through accident or mistake, or otherwise without fraud or gross negligence, and there is an insurance on foot at the time of the application to the court in conformity with the covenant to insure, upon such terms as to the court may seem fit.

When relief
is granted,
same to be
recorded

13. The court where relief is granted shall direct a record of such relief having been granted to be made by endorsement on the lease or otherwise.

To what
leases
preceding
provisions
apply

14. The preceding two sections shall be applicable in the case of leases for a term of years absolute, or determinable on a life or lives or otherwise, and also in the case of a lease for the life of the lessee or the life or lives of any other person or persons.

Relief against
consequences of
nonpayment
of principal or
interest by
mortgagor

15. The court shall have jurisdiction to grant and shall grant relief from the consequences of nonpayment of principal or interest by a mortgagor or purchaser in any case in which the mortgagor,

his heirs or assigns, shall pay all the arrears due under the mortgage or agreement for sale with lawful costs and charges in that behalf at any time before any judgment in the premises is recovered or within such time as by the practice of the court relief therein could be obtained. 1914, c. 2, s. 10.

16. The court shall have jurisdiction to grant alimony to any wife who would be entitled to alimony by the law of England, or to any wife who would be entitled by the law of England to a divorce and to alimony as incident thereto, or to any wife whose husband lives separate from her without any sufficient cause and under circumstances which would entitle her, by the law of England, to a decree for restitution of conjugal rights; and alimony when granted shall continue until further order of the court. Jurisdiction in alimony

(2) In any action for alimony the court may, whenever such a course appears to it to be proper, and either before or after judgment, grant an injunction for such time and upon such terms as may be just to prevent any apprehended disposition of his property, either real or personal or both, by the defendant therein. Injunction may be granted in alimony cases

17. An order or judgment for alimony may be registered in any land titles office and the registration shall, so long as the order or judgment registered remains in force, bind the estate and interest of every description which the defendant has in any lands in the land titles district where the registration is made, and operate thereon in the same manner, and with the same effect, as the registration of a charge by the defendant of a life annuity on his lands. Registration of judgment for alimony

18. The court shall have jurisdiction to entertain an action for criminal conversation. The law applicable to such actions shall be as the same was in England prior to the abolition of such action in England; and the practice shall be the same as in other actions in the court, so far as it is applicable. Criminal conversation

19. In every case in which the court has authority to order the execution of a deed, conveyance, transfer or assignment of any property, real or personal, the court may by order vest such real or personal estate in such person or persons, and in such manner, and for such estates, as would be done by any such deed, conveyance, assignment or transfer if executed; and thereupon the order shall have the same effect as if the legal or other estate or interest in the property had been actually conveyed, by deed or otherwise, for the same estate or interest, to the person in whom the same is so ordered to be vested, or in the case of a *chose in action*, as if such *chose in action* had been actually assigned to such last mentioned person. Vesting order, effect of

20. The court shall have the same jurisdiction as the Court of Chancery had in England on the fifteenth day of July of the year one thousand eight hundred and seventy in regard to leases and sales of settled estates, and in regard to enabling infants with the approbation of the court to make binding settlements of their real and personal estate on marriage; and Leases, sales of settled estates, etc.

in regard to questions submitted for the opinion of the court in the form of special cases on the part of such persons as may by themselves, their committees or guardians, or otherwise, concur therein.

Examination
of married
women

(a) The examination of a married woman apart from her husband as to her knowledge of the nature and facts of an application for the sale or leasing of any settled estate, or as to her consent thereto, shall in no case be necessary, unless expressly directed by the court or a judge;

Service
of infants

(b) Infants and persons of unsound mind (not so found) for whom there is no committee, required to be served with notice of any application to the court, may be served by delivery to the public administrator of the judicial district where the proceedings commenced, of a copy of the petition or other proceeding required to be served; and from the time of such service the said public administrator shall be the guardian *ad litem* of the infant or person of unsound mind, unless and until the court or judge otherwise orders; and the said public administrator or any other guardian appointed by the court for the infant or person of unsound mind, shall take all such proceedings as he may think necessary for the protection of the interests of the infant or person of unsound mind in the proceedings in which he is so appointed guardian;

Service
in case of
more than one
infant, etc.

(c) In case there be more than one infant or person of unsound mind (not so found) for whom service is made on the public administrator, one copy only of the petition or other proceeding need be so served, but the name of each person on whose behalf the public administrator is served is to be stated on the copy served;

Application
of moneys
realized

(d) Money realized from the sale or leasing of any settled estate, or any interest therein, shall be paid, applied or invested as the court or a judge shall direct.

The court
may try the
validity
of wills

21. The court shall have jurisdiction to try the validity of last wills and testaments, whether the same respect real or personal estate, and whether probate of the will has been granted or not, and to pronounce such wills and testaments to be void for fraud and undue influence or otherwise, in the same manner and to the same extent as the court has jurisdiction to try the validity of deeds and other instruments.

Jurisdiction
formerly
exercised by
the Supreme
Court of the
N.W.T.

22. The court shall have, generally, all the jurisdiction, powers and authority which prior to the coming into force of this Act was by any law, order or regulation vested in or capable of being exercised by the Supreme Court of the North-West Territories within the province; and where in any Statute, Act or Ordinance or in any order or regulation made thereunder reference is made to the Supreme Court of the North-West Territories, or to any court which may after the passing of such Statute, Act or Ordinance be constituted, exercising within the province the jurisdiction, powers and authority at the date of the passing of such Statute, Act or Ordinance exercised therein by the Supreme Court of the North-West Territories, or to any judge thereof, such reference shall, after the coming into force of this Act, be taken to mean and to refer to the court by this Act established and a judge of such court respectively.

23. The jurisdiction of the court shall be exercised so far as regards procedure and practice in the manner provided by this Act or by rules and orders of the court made pursuant to this Act. Exercise of jurisdiction as regards procedure

RULES OF COURT.

24. The Lieutenant Governor in Council may from time to time make and authorize the promulgation of rules of court governing the practice and procedure in the court, the duties of the officers thereof, the costs of the proceedings therein, and the fees to be taken by officers of the court, and may alter and annul any rules of court or tariff of costs or fees for the time being in force whether the same be included in *The Judicature Ordinance* or any amendments thereto or in any rules made by the judges of the Supreme Court of the North-West Territories pursuant to the powers granted to them in relation thereto or otherwise, and may make any further and additional rules for carrying this Act into effect, or may authorize the judges of the court to make and promulgate such rules, tariffs or to alter and annul any of such rules or tariffs or make additional rules, as hereinbefore mentioned; but until such rules are so made and promulgated, or such tariffs of fees and costs so brought into force, the rules, practice and procedure and the tariff of costs upon the higher scale of the Supreme Court of the North-West Territories shall be the rules, practice and procedure in the said court, and the tariff of costs to be allowed to solicitors and counsel therein; and the fees in the said rules of the Supreme Court of the North-West Territories prescribed to be taken by clerks and sheriffs in actions over \$200 shall be the fees to be taken by clerks and sheriffs in proceedings in the court until so repealed or altered. Rules of court

CLERKS AND OTHER OFFICERS.

25. The clerks, acting clerks and deputy clerks of the Supreme Court of the North-West Territories in the several judicial districts, shall be and they are hereby appointed clerks, acting clerks and deputy clerks respectively of the court for such judicial districts respectively as they were before the passing of this Act appointed to as clerks, acting clerks and deputy clerks respectively of the said Supreme Court of the North-West Territories, during pleasure; and they shall perform in relation to the court hereby constituted all the functions and duties required by any law, order or regulation to be performed by the clerks, acting clerks and deputy clerks respectively of the court. Clerks and other officers

OTHER OFFICERS.

26. All other officers and functionaries of the Supreme Court of the North-West Territories residing in the province shall be and they are hereby appointed during pleasure to be similar officers and functionaries of the court with the same duties and powers as they respectively exercised and enjoyed under any law, order or regulation with relation to the said Supreme Court of the North-West Territories. Other officers

Appointment
of officers

27. The Lieutenant Governor in Council may appoint a registrar of the court and such other officers, clerks and assistants as the business of the court may from time to time require, and may designate such officers, clerks and assistants by appropriate names, specify their duties and fix their remuneration.

Officers may
administer
oaths, etc.

28. Any officer of the court shall, for the purposes of any proceedings directed by the court to be taken before him, have full power to administer oaths, to take affidavits, to receive affirmations, and to examine witnesses and parties as the court may direct.

SITTINGS OF COURT.

Sittings
of court

29. The court shall hold its sittings and the judges thereof shall sit in chambers at such times and places as the Lieutenant Governor in Council from time to time by order appoints:

Provided that a judge may hold a special sittings of court or chambers at such time and place as he may direct.

COURT EN BANC.

30. The court *en banc* shall be known as the Appellate Division of the Supreme Court and shall sit at such times and places as the judges of the court shall determine and three judges shall constitute a quorum. 1913 (1st Session), c. 9, s. 38 (2).

(2) The judges of the Supreme Court shall, during the month of December, or at such other time as may be convenient, select four of their number to constitute the Appellate Division for the next ensuing calendar year, but every other judge of the said court shall be *ex officio* a member of the Appellate Division.

(3) The terms "Court *en banc*" or "Court sitting *en banc*" and "Appellate Division" wherever used in this or any other Act or in any rules made thereunder, shall be deemed to be interchangeable and to have the same meaning. 1913 (1st Session), c. 9, s. 38 (2). Proclaimed March, 1914, *Alberta Gazette* No. 10, pp. 53 and 165.

Chief Justice
to preside

31. The Chief Justice of the court when sitting shall preside over the court *en banc*, and in his absence the senior judge sitting shall preside.

Jurisdiction

32. The court sitting *en banc* shall have all the jurisdiction and powers possessed by the Supreme Court of the North-West Territories *en banc* immediately prior to the coming into force of this Act and shall have jurisdiction and power subject to the provisions of the rules of court to hear and determine all applications for new trials, all questions or issues of law, all questions of points in civil or criminal cases reserved for the opinion of the court, all appeals or motions in the nature of appeals respecting any judgment, order or decision of any judge of the Supreme Court (provided that the same shall not have been made as the judgment or decision of the court *en banc*) or respecting any judgment, order or decision of any judge of a court of inferior jurisdiction where an appeal is given by any other Act and all other petitions, motions, matters or things

whatsoever which might lawfully be brought before any Divisional Court of the Supreme Court of Justice or the Court of Appeal in England.

33. Subject to the provisions of the next following section, on any motion, application or proceeding before the court *en banc*, the judge by or before whom the verdict then in question was rendered, or by whom the judgment, order or decision, then being appealed against or reviewed, was rendered or pronounced at a previous proceeding in the same cause or matter, or by whom the cause or matter then being reheard was determined, shall not sit as one of the judges composing the court, unless it shall be determined by any three of the judges that, on account of there being a vacancy in the court, or of a judge being disqualified from sitting through interest in the matter in question or being in ill health, or of other exceptional circumstances, or of it being impossible to otherwise constitute the court, it would be in the interest of justice in a particular instance that the court should be composed of any three judges.

Judge of first instance not to sit in court *en banc* reviewing his verdict or decision

Proviso

34. Although the provisions of the preceding section and of section 30 shall in general be followed and complied with, yet, in exceptional cases and for special reasons, the court may, upon special order of the court, or of any two judges thereof, on and for the purpose of any rehearing, appeal, application or motion, be composed of two judges only, of whom one may be the judge by or before whom any verdict then in question was rendered, or by or before whom any order or decision then being appealed from or reviewed was rendered or pronounced, or by whom the cause then being reheard was determined.

Exception to provisions of last two preceding sections

35. In case after a cause or matter in the court has been heard by three or more judges thereof and stands for judgment, one of the judges by whom the said cause or matter was heard is transferred to the Supreme Court of Canada or to any other court of justice, resigns his office, dies or is absent through illness or other cause, the remaining judges may give judgment as if such judge were still a judge of the court and were present and taking part in such judgment, if unanimous in their decision, or if the judgment of such dead or absent judge, if given, could not affect the result.

If one judge dies, resigns, &c., remaining judges if unanimous may give judgment

MISCELLANEOUS.

36. The provisions of *The Judicature Ordinance* and all amendments thereto shall, save where provision is made in this Act to the contrary or in substitution therefor, apply *mutatis mutandis* to the court and to officers thereof, as well with regard to the rules of law according to which law and equity are to be administered in the court as to other matters therein contained:

Provisions of *Judicature Ordinance* to apply

Provided, however, that the provisions of the said *Judicature Ordinance* contained in part III thereof and known as the Small Debt Procedure shall not apply to the court.

37. Sheriffs, deputy sheriffs, gaolers, constables and other peace officers shall aid, assist and obey the court and the judges thereof respectively in the exercise of the jurisdiction conferred by this Act.

Sheriffs, etc., to assist court

Criminal
procedure
not affected

38. Nothing in this Act shall be deemed to be intended to affect the procedure in criminal matters; or any other matter which by law is not within the cognizance of the Legislature of the province.

Transfer
of causes in
Supreme
Court of N.
North-West
Territories

39. The Supreme Court of the North-West Territories shall be superseded within the province by the court established by this Act, and for all purposes affecting or extending to the province the said Supreme Court of the North-West Territories is abolished, but nevertheless all causes, matters and things except those to which the Small Debt Procedure of *The Judicature Ordinance* applies pending in the Supreme Court of the North-West Territories in the province and all proceedings taken therein, and all writs of summons or of execution and all other writs and process issued out of the Supreme Court of the North-West Territories prior to the coming into force of this Act as well as all moneys paid into the said Supreme Court of the North-West Territories in any such cause, action or matter are transferred to and shall be deemed and taken to be causes, matters and things pending proceedings taken and writs and process issued in and out of the court by this Act established, and may be treated and carried on and final process thereon may be issued as if such causes, matters, things, proceedings and process had been commenced or issued respectively in or out of the court hereby established and the said moneys as transferred shall be deemed and taken to be moneys in the court hereby established in the cause, action or matter respectively in which they have been paid into the said Supreme Court of the North-West Territories:

Provided, however, that notwithstanding anything in this Act contained the scale of costs and fees under *The Judicature Ordinance* shall govern in respect to cases pending in the Supreme Court of the North-West Territories at the date of the coming into force of this Act and continued as in this section provided in the court hereby established.

Act to come
into force on
proclamation

40. This Act shall come into force upon proclamation.

PROCLAMATION.

Edmonton, Monday, Sept. 16, 1907.

That on from and after the 16th day of September, 1907, the above mentioned Act shall come into force and take effect. (*See Alberta Gazette, Extra, Sep. 16, 1907.*)

ORDERS IN COUNCIL.

JUDICIAL DISTRICTS.

Edmonton, Friday, August 28, 1914.

Under the provisions of chapter 6 of the Ordinances of 1903 (2nd Session), amending *The Judicature Ordinance*, His Honour the Lieutenant Governor, by and with the advice of the Executive Council, has been pleased to order—

1st. That the Judicial Districts now existing be altered and Judicial Districts be established within the Province of Alberta, with designation and boundaries as follows:

JUDICIAL DISTRICT OF ATHABASCA.

That portion of the Province of Alberta bounded as follows:

On the east by the east boundary of the said province; on the north by the north boundary of the said province; on the west by the west boundary of the said province; on the south by a line describes as follows: Commencing at the intersection of the north boundary of the forty-fourth townships with the west boundary of the Province of Alberta, thence easterly along said north boundary of the forty-fourth townships to its intersection with the North Saskatchewan River, thence easterly down stream following the North Saskatchewan River to its intersection with the east boundary of the Province of Alberta, excepting thereout and therefrom that portion of the City of Edmonton as it now exists or as it may hereafter from time to time be enlarged or otherwise altered.

JUDICIAL DISTRICT OF EDMONTON.

That portion of the Province of Alberta described as follows:

Commencing at the intersection of the north boundary of the fortieth townships with the east boundary of the Province of Alberta, thence northerly along said east boundary of the said province to the North Saskatchewan River, thence westerly up stream along the North Saskatchewan River to its intersection with the east boundary of the City of Edmonton, thence northerly along the said east boundary of the City of Edmonton to the north boundary of the said city, thence westerly along said north boundary of the City of Edmonton to the west boundary of the said city, thence southerly along the west boundary of the City of Edmonton to its intersection with the North Saskatchewan River, thence south-westerly up stream along the North Saskatchewan River to its intersection with the north boundary of the fiftieth townships, thence easterly along the said north boundary of the fiftieth townships to the line between ranges nineteen (19) and twenty (20) west of the fourth meridian, thence southerly along said line between ranges nineteen (19) and twenty (20) west of the fourth meridian, to the north boundary of the forty-eighth townships, thence easterly along said north boundary of the forty-eighth townships to the line between ranges fifteen (15) and sixteen (16) west of the fourth meridian, thence southerly along said line between ranges fifteen (15) and sixteen (16) west of the fourth meridian to the north boundary of the forty-sixth townships, thence easterly along said north boundary of the forty-sixth townships to the line between ranges twelve (12) and thirteen (13) west of the fourth meridian, thence southerly along said line between ranges twelve (12) and thirteen (13) west of the fourth meridian to the north boundary of the forty-fifth townships, thence easterly along said north boundary of the forty-fifth townships to the line between ranges ten (10) and eleven (11) west of the fourth meridian, thence southerly along said line between ranges ten (10) and eleven (11) west of the fourth meridian to the north boundary of the forty-fourth townships, thence easterly along said north boundary of the forty-fourth townships to the line between ranges seven (7) and eight (8) west of the fourth meridian, thence southerly along said line between ranges seven (7) and eight (8) west of the fourth meridian to the north boundary of the forty-second townships, thence easterly along said north boundary of the forty-second townships to the line between ranges five (5) and six (6) west of the fourth meridian, thence southerly along said line between ranges five (5) and six (6) west of the fourth meridian to the north boundary of the fortieth townships, thence easterly along said north boundary of the fortieth townships to the point of commencement.

JUDICIAL DISTRICT OF WETASKIWIN.

That portion of the Province of Alberta described as follows:

Commencing at the intersection of the north boundary of the thirty-sixth townships with the east boundary of the Province of Alberta, thence northerly along the said east boundary of the said province to the north boundary of the fortieth townships, thence westerly along said north boundary of the fortieth townships to the line between ranges five (5) and six (6) west of the fourth meridian, thence northerly along said line between ranges five (5) and six (6) west of the fourth meridian to the north boundary of the forty-second townships, thence westerly along said north boundary of the forty-second townships to the line between ranges seven (7) and eight (8) west of the fourth meridian, thence northerly along said line between ranges seven (7) and eight (8) west of the fourth meridian to the north bound-

dary of the forty-fourth townships, thence westerly along said north boundary of the forty-fourth townships to the line between ranges ten (10) and eleven (11) west of the fourth meridian, thence northerly along said line between ranges ten (10) and eleven (11) west of the fourth meridian to the north boundary of the forty-fifth townships, thence westerly along said north boundary of the forty-fifth townships to the line between ranges twelve (12) and thirteen (13) west of the fourth meridian, thence northerly along said line between ranges twelve (12) and thirteen (13) west of the fourth meridian to the north boundary of the forty-sixth townships, thence westerly along said north boundary of the forty-sixth townships to the line between ranges fifteen (15) and sixteen (16) west of the fourth meridian, thence northerly along said line between ranges fifteen (15) and sixteen (16) west of the fourth meridian to the north boundary of the forty-eighth townships, thence westerly along said north boundary to the forty-eighth townships to the line between ranges nineteen (19) and twenty (20) west of the fourth meridian, thence northerly along said line between ranges nineteen (19) and twenty (20) west of the fourth meridian to the north boundary of the fiftieth townships, thence westerly along said north boundary of the fiftieth townships to the North Saskatchewan River, thence westerly up stream along the North Saskatchewan River to its intersection with the north boundary of the forty-first townships, thence easterly along said north boundary of the forty-first townships to its intersection with the Battle River, thence easterly down stream along the Battle River to its intersection with the line between ranges ten (10) and eleven (11) west of the fourth meridian, thence southerly along said line between ranges ten (10) and eleven (11) west of the fourth meridian to the north boundary of the thirty-eighth townships, thence easterly along the said north boundary of the thirty-eighth townships to the line between ranges seven (7) and eight (8) west of the fourth meridian, thence southerly along said line between ranges seven (7) and eight (8) west of the fourth meridian to the north boundary of the thirty-sixth townships, thence easterly along said north boundary of the thirty-sixth townships to the point of commencement.

JUDICIAL DISTRICT OF RED DEER.

That portion of the Province of Alberta described as follows:

Commencing at the intersection of the north boundary of the thirty-fourth townships with the west boundary of the Province of Alberta, thence easterly along the said north boundary of the thirty-fourth townships to its intersection with the Red Deer River, thence northerly up stream along the Red Deer River to the mouth of Tail Creek, thence northerly up stream along Tail Creek to Buffalo Lake, thence north-easterly along the eastern shore of Buffalo Lake to its intersection with the north boundary of section thirteen (13), township forty-one (41), range twenty (20), west of the fourth meridian, thence easterly along the north boundary of the said section thirteen (13) to the line between Ranges nineteen (19) and twenty (20) west of the fourth meridian, thence northerly along said line between ranges nineteen (19) and twenty (20) west of the fourth meridian to the north boundary of the forty-first townships, thence westerly along the said north boundary of the forty-first townships to its intersection with the North Saskatchewan River, thence northerly down stream following the North Saskatchewan River to its intersection with the north boundary of the forty-fourth townships, thence westerly along the north boundary of the forty-fourth townships to the west boundary of the Province of Alberta, thence south-easterly along the west boundary of the Province of Alberta to the point of commencement.

JUDICIAL DISTRICT OF STETTLE.

That portion of the Province of Alberta described as follows:

Commencing at the intersection of the north boundary of the thirtieth townships with the east boundary of the Province of Alberta, thence northerly along the said east boundary of the said province to the north boundary of the thirty-sixth townships, thence westerly along the said north boundary of the thirty-sixth townships to the line between ranges seven (7) and eight (8) west of the fourth meridian, thence northerly along said line between ranges seven (7) and eight (8) west of the fourth meridian to the north boundary of the thirty-eighth townships, thence westerly along the north boundary of the thirty-eighth townships to the line between ranges ten (10) and eleven (11) west of the fourth meridian, thence northerly along said line between ranges ten (10) and eleven (11) west of the fourth meridian to the Battle River, thence westerly up stream along the Battle River to its intersection

with the north boundary of the forty-first townships, thence westerly along the north boundary of the forty-first townships to the line between ranges nineteen (19) and twenty (20) west of the fourth meridian, thence southerly along said line between ranges nineteen (19) and twenty (20) west of the fourth meridian to the north boundary of section thirteen (13), township forty-one (41), range twenty (20), west of the fourth meridian, thence westerly along said north boundary of section thirteen (13) to the east shore of Buffalo Lake, thence south-westerly along the east shore of Buffalo Lake to the mouth of Tail Creek, thence southerly along Tail Creek to the Red Deer River, thence southerly down stream along Red Deer River to its intersection with the north boundary of the thirty-third townships, thence easterly along said north boundary of the thirty-third townships to the line between ranges thirteen (13) and fourteen (14) west of the fourth meridian, thence southerly along said line between ranges thirteen (13) and fourteen (14) west of the fourth meridian to the north boundary of the thirty-second townships, thence easterly along the said north boundary of the thirty-second townships to the line between ranges ten (10) and eleven (11) west of the fourth meridian, thence southerly along said line between ranges ten (10) and eleven (11) west of the fourth meridian to the north boundary of the thirty-first townships, thence easterly along said north boundary of the thirty-first townships to the line between ranges six (6) and seven (7) west of the fourth meridian, thence southerly along said line between ranges six (6) and seven (7) west of the fourth meridian to the north boundary of the thirtieth townships, thence easterly along said north boundary of the thirtieth townships to the point of commencement.

JUDICIAL DISTRICT OF CALGARY.

That portion of the Province of Alberta described as follows:

Commencing at the intersection of the north boundary of the sixteenth townships with the west boundary of the Province of Alberta, thence easterly along the said north boundary of the sixteenth townships to the Bow River, thence south-easterly down stream of the Bow River to the north boundary of townships thirteen (13), thence easterly along the said north boundary of townships thirteen (13) to the line between ranges eleven (11) and twelve (12) west of the fourth meridian, thence northerly along the said line between ranges eleven (11) and twelve (12) west of the fourth meridian to the Red Deer River, thence easterly down stream along the Red Deer River to the east boundary of the Province of Alberta, thence northerly along the east boundary of the Province of Alberta to the north boundary of the thirtieth townships, thence westerly along the north boundary of the thirtieth townships to the line between ranges six (6) and seven (7) west of the fourth meridian, thence northerly along said line between ranges six (6) and seven (7) west of the fourth meridian to the north boundary of the thirty-first townships, thence westerly along the north boundary of the thirty-first townships to the line between ranges ten (10) and eleven (11) west of the fourth meridian, thence northerly along the line between ranges ten (10) and eleven (11) west of the fourth meridian to the north boundary of the thirty-second townships, thence westerly along the said north boundary of the thirty-second townships to the line between ranges thirteen (13) and fourteen (14) west of the fourth meridian, thence northerly along said line between ranges thirteen (13) and fourteen (14) west of the fourth meridian to the north boundary of the thirty-third townships, thence westerly along the north boundary of the thirty-third townships to its intersection with the Red Deer River, thence north-easterly up stream along the Red Deer River to its intersection with the north boundary of the thirty-fourth townships, thence westerly along the north boundary of the thirty-fourth townships to its intersection with the west boundary of the Province of Alberta, thence south-easterly along the west boundary of the Province of Alberta to the point of commencement.

BASSANO, SUB-JUDICIAL DISTRICT OF CALGARY.

That portion of the Judicial District of Calgary described as follows shall be known as the Bassano Sub-Judicial District of the Judicial District of Calgary:

Commencing at the intersection of the line between ranges twenty-one (21) and twenty-two (22) west of the fourth meridian with the north boundary of the sixteenth townships, thence easterly along the said north boundary of the sixteenth townships to the Bow River, thence south-easterly down stream along the Bow River to its most easterly intersection with the north

boundary of the thirteenth townships, thence easterly along the north boundary of the thirteenth townships to the line between ranges eleven (11) and twelve (12) west of the fourth meridian, thence north along the line between ranges eleven (11) and twelve (12) west of the fourth meridian to the Red Deer River, thence easterly down stream along the Red Deer River to its intersection with the line between ranges nine (9) and ten (10) west of the fourth meridian, thence north along the said line between ranges nine (9) and ten (10) west of the fourth meridian to the north boundary of the twenty-sixth townships, thence westerly along the north boundary of the twenty-sixth townships to the line between ranges twenty-one (21) and twenty-two (22) west of the fourth meridian, thence southerly along the line between ranges twenty-one (21) and twenty-two (22) west of the fourth meridian to the point of commencement.

All writs of *fiery facias* affecting goods and lands situate in that part of the Judicial District of Calgary, more particularly described as the Sub-Judicial District of Bassano, shall be directed to and filed with the Deputy Sheriff of the said Sub-Judicial District at Bassano.

JUDICIAL DISTRICT OF MEDICINE HAT.

That portion of the Province of Alberta bounded as follows:

On the east by the eastern boundary of the Province of Alberta; on the south by the southern boundary of the said province; on the north by the Red Deer River; and on the west by a line described as follows: Commencing at the intersection of the southern boundary of the Province of Alberta with the line between ranges ten (10) and eleven (11) west of the fourth meridian, thence north following the said line between ranges ten (10) and eleven (11) west of the fourth meridian to the South Saskatchewan River, thence west up stream following the said South Saskatchewan River to its intersection with the northern boundary of the thirteenth townships, thence east along the said northern boundary of the said thirteenth townships to the line between ranges eleven (11) and twelve (12) west of the fourth meridian, thence north along said line between ranges eleven (11) and twelve (12) west of the fourth meridian to the Red Deer River.

JUDICIAL DISTRICT OF MACLEOD.

That portion of the Province of Alberta bounded as follows:

On the north by the northern boundary of the sixteenth townships; on the west by the western boundary of the Province of Alberta; on the south by the southern boundary of the Province of Alberta; and on the east by a line described as follows: Commencing at the intersection of the northern boundary of the sixteenth townships with the line between ranges twenty-four (24) and twenty-five (25) west of the fourth meridian, thence southerly along the said line between ranges twenty-four (24) and twenty-five (25) west of the fourth meridian to the northern boundary of the twelfth townships, thence easterly along the northern boundary of the twelfth townships to the line between ranges twenty-three (23) and twenty-four (24) west of the fourth meridian, thence southerly along the line between ranges twenty-three (23) and twenty-four (24) west of the fourth meridian to its intersection with the Belly River, thence easterly down stream along the Belly River to the mouth of the St. Mary River, thence southerly up stream along the St. Mary River and Lees Creek to the intersection of the said Lees Creek with the southerly limit of the Blood Indian Reserve, thence westerly along the said southerly limit of the Blood Indian Reserve to the line between ranges twenty-seven (27) and twenty-eight (28) west of the fourth meridian; thence southerly along the said line between ranges twenty-seven (27) and twenty-eight (28) west of the fourth meridian to the southern boundary of the Province of Alberta.

JUDICIAL DISTRICT OF LETHBRIDGE.

That portion of the Province of Alberta described as follows:

Commencing at the intersection of the southern boundary of the Province of Alberta with the line between ranges ten (10) and eleven (11) west of the fourth meridian, thence north along the said line between ranges ten (10) and eleven (11) west of the fourth meridian to the South Saskatchewan River, thence west up stream along the said South Saskatchewan River and the Bow River to the intersection of the Bow River with the north boundary of the sixteenth townships, thence west along the north boundary of the sixteenth townships to the line between ranges twenty-four (24) and twenty-

five (25) west of the fourth meridian, thence southerly along the said line between ranges twenty-four (24) and twenty-five (25) west of the fourth meridian to the northern boundary of the twelfth townships, thence east along the northern boundary of the twelfth townships to the line between ranges twenty-three (23) and twenty-four (24) west of the fourth meridian, thence southerly along the line between ranges twenty-three (23) and twenty-four (24) to its intersection with the Belly River, thence easterly down stream along the Belly River to the mouth of the St. Mary River, thence southerly up stream along the St. Mary River and Lees Creek to the intersection of the said Lees Creek with the southerly limit of the Blood Indian Reserve, thence westerly along the said southerly limit of the Blood Indian Reserve to the line between ranges twenty-seven (27) and twenty-eight (28) west of the fourth meridian, thence southerly along the said line between ranges twenty-seven (27) and twenty-eight (28) west of the fourth meridian to the south boundary of the Province of Alberta, thence easterly along the south boundary of the Province of Alberta to the point of commencement.

TABER, SUB-JUDICIAL DISTRICT OF LETHBRIDGE.

That portion of the Judicial District of Lethbridge described as follows shall be known as the Taber Sub-Judicial District of the Judicial District of Lethbridge:

Commencing at north-east corner of township seven (7), range eleven (11) west of the fourth meridian, thence north on the line between ranges ten (10) and eleven (11) west of the fourth meridian to the South Saskatchewan River, thence westerly up stream along the said South Saskatchewan River and the Bow River to the intersection of the said Bow River with the northerly boundary of the sixteenth townships, thence westerly along the north boundary of the sixteenth townships to the line between ranges twenty (20) and twenty-one (21) west of the fourth meridian, thence southerly along the line between ranges twenty (20) and twenty-one (21) west of the fourth meridian to the north boundary of townships eleven (11), thence easterly along the north boundary of townships eleven (11) to the line between ranges eighteen (18) and nineteen (19) west of the fourth meridian, thence southerly on the line between ranges eighteen (18) and nineteen (19) west of the fourth meridian, to the north boundary of townships seven (7), thence easterly along the said north boundary of townships seven (7) to the point of commencement.

All writs of *fiery facias* affecting goods and lands situate in that part of the Judicial District of Lethbridge, more particularly described as the Sub-Judicial District of Taber, shall be directed to and filed with the Deputy Sheriff of the said Sub-Judicial District of Taber.

2nd. That all writs, processes, actions and other proceedings in force or pending in the Judicial Districts on the date of the establishment of the new Judicial Districts herein described shall have effect and continue according to their tenor in the new Judicial Districts respectively within whose limit suit was first entered or proceedings begun;

3rd. That until otherwise ordered the officers of the Judicial District of Calgary shall be Acting Officers of the Sub-Judicial District of Calgary, known as Bassano, and that the officers of the Judicial District of Lethbridge shall be acting officers of the Sub-Judicial District of Lethbridge, known as Taber; and that, until otherwise ordered the officers of the Judicial District of Edmonton shall be the acting officers of the Judicial District of Athabasca; and that all officers of other judicial districts shall continue to be the officers of the new judicial districts within their boundaries respectively;

4th. That the foregoing shall come into operation on the 1st day of September, 1914, and that a notice of the same be published in *The Alberta Gazette* prior to the said date, and that the Government Printer be and he is hereby instructed to forward without charge a copy of the said issue of the *Gazette* to every advocate in the Province of Alberta whose address he can ascertain.

CLERK OF EXECUTIVE COUNCIL.

REGISTRATION DISTRICTS.

Edmonton, Friday, August 28, 1914.

Under the provisions of chapter 12 of the Ordinances of the North-West Territories, 1900, His Honour the Lieutenant Governor, by and with the advice of the Executive Council, has been pleased to order that on or after the 1st day of September, 1914, registration districts be established within the Province of Alberta, with boundaries as follows:

REGISTRATION DISTRICT OF ATHABASCA.

That portion of the Province of Alberta bounded as follows:

On the east by the east boundary of the said province; on the north by the north boundary of the said province; on the west by the west boundary of the said province; on the south by a line describes as follows: Commencing at the intersection of the north boundary of the forty-fourth townships with the west boundary of the Province of Alberta, thence easterly along said north boundary of the forty-fourth townships to its intersection with the North Saskatchewan River, thence easterly down stream following the North Saskatchewan River to its intersection with the east boundary of the Province of Alberta, excepting thereout and therefrom that portion of the City of Edmonton as it now exists or as it may hereafter from time to time be enlarged or otherwise altered.

REGISTRATION DISTRICT OF EDMONTON.

That portion of the Province of Alberta described as follows:

Commencing at the intersection of the north boundary of the fortieth townships with the east boundary of the Province of Alberta, thence northerly along said east boundary of the said province to the North Saskatchewan River, thence westerly up stream along the North Saskatchewan River to its intersection with the east boundary of the City of Edmonton, thence northerly along the said east boundary of the City of Edmonton to the north boundary of the said city, thence westerly along said north boundary of the City of Edmonton to the west boundary of the said city, thence southerly along the west boundary of the City of Edmonton to its intersection with the North Saskatchewan River, thence south-westerly up stream along the North Saskatchewan River to its intersection with the north boundary of the fiftieth townships, thence easterly along the said north boundary of the fiftieth townships to the line between ranges nineteen (19) and twenty (20) west of the fourth meridian, thence southerly along said line between ranges nineteen (19) and twenty (20) west of the fourth meridian, to the north boundary of the forty-eighth townships, thence easterly along said north boundary of the forty-eighth townships to the line between ranges fifteen (15) and sixteen (16) west of the fourth meridian, thence southerly along said line between ranges fifteen (15) and sixteen (16) west of the fourth meridian to the north boundary of the forty-sixth townships, thence easterly along said north boundary of the forty-sixth townships to the line between ranges twelve (12) and thirteen (13) west of the fourth meridian, thence southerly along said line between ranges twelve (12) and thirteen (13) west of the fourth meridian to the north boundary of the forty-fifth townships, thence easterly along said north boundary of the forty-fifth townships to the line between ranges ten (10) and eleven (11) west of the fourth meridian, thence southerly along said line between ranges ten (10) and eleven (11) west of the fourth meridian to the north boundary of the forty-fourth townships, thence easterly along said north boundary of the forty-fourth townships to the line between ranges seven (7) and eight (8) west of the fourth meridian, thence southerly along said line between ranges seven (7) and eight (8) west of the fourth meridian to the north boundary of the forty-second townships, thence easterly along said north boundary of the forty-second townships to the line between ranges five (5) and six (6) west of the fourth meridian, thence southerly along said line between ranges five (5) and six (6) west of the fourth meridian to the north boundary of the fortieth townships, thence easterly along said north boundary of the fortieth townships to the point of commencement.

REGISTRATION DISTRICT OF WETASKIWIN.

That portion of the Province of Alberta described as follows:

Commencing at the intersection of the north boundary of the thirty-sixth townships with the east boundary of the Province of Alberta, thence northerly along the said east boundary of the said province to the north

boundary of the fortieth townships, thence westerly along said north boundary of the fortieth townships to the line between ranges five (5) and six (6) west of the fourth meridian, thence northerly along said line between ranges five (5) and six (6) west of the fourth meridian to the north boundary of the forty-second townships, thence westerly along said north boundary of the forty-second townships to the line between ranges seven (7) and eight (8) west of the fourth meridian, thence northerly along said line between ranges seven (7) and eight (8) west of the fourth meridian to the north boundary of the forty-fourth townships, thence westerly along said north boundary of the forty-fourth townships to the line between ranges ten (10) and eleven (11) west of the fourth meridian, thence northerly along said line between ranges ten (10) and eleven (11) west of the fourth meridian to the north boundary of the forty-fifth townships, thence westerly along said north boundary of the forty-fifth townships to the line between ranges twelve (12) and thirteen (13) west of the fourth meridian, thence northerly along said line between ranges twelve (12) and thirteen (13) west of the fourth meridian to the north boundary of the forty-sixth townships, thence westerly along said north boundary of the forty-sixth townships to the line between ranges fifteen (15) and sixteen (16) west of the fourth meridian, thence northerly along said line between ranges fifteen (15) and sixteen (16) west of the fourth meridian to the north boundary of the forty-eighth townships, thence westerly along said north boundary to the forty-eighth townships to the line between ranges nineteen (19) and twenty (20) west of the fourth meridian, thence northerly along said line between ranges nineteen (19) and twenty (20) west of the fourth meridian to the north boundary of the fiftieth townships, thence westerly along said north boundary of the fiftieth townships to the North Saskatchewan River, thence westerly up stream along the North Saskatchewan River to its intersection with the north boundary of the forty-first townships, thence easterly along said north boundary of the forty-first townships to its intersection with the Battle River, thence easterly down stream along the Battle River to its intersection with the line between ranges ten (10) and eleven (11) west of the fourth meridian, thence southerly along said line between ranges ten (10) and eleven (11) west of the fourth meridian to the north boundary of the thirty-eighth townships, thence easterly along the said north boundary of the thirty-eighth townships to the line between ranges seven (7) and eight (8) west of the fourth meridian, thence southerly along said line between ranges seven (7) and eight (8) west of the fourth meridian to the north boundary of the thirty-sixth townships, thence easterly along said north boundary of the thirty-sixth townships to the point of commencement.

REGISTRATION DISTRICT OF RED DEER.

That portion of the Province of Alberta described as follows:

Commencing at the intersection of the north boundary of the thirty-fourth townships with the west boundary of the Province of Alberta, thence easterly along the said north boundary of the thirty-fourth townships to its intersection with the Red Deer River, thence northerly up stream along the Red Deer River to the mouth of Tail Creek, thence northerly up stream along Tail Creek to Buffalo Lake, thence north-easterly along the eastern shore of Buffalo Lake to its intersection with the north boundary of section thirteen (13), township forty-one (41), range twenty (20), west of the fourth meridian, thence easterly along the north boundary of the said section thirteen (13) to the line between Ranges nineteen (19) and twenty (20) west of the fourth meridian, thence northerly along said line between ranges nineteen (19) and twenty (20) west of the fourth meridian to the north boundary of the forty-first townships, thence westerly along the said north boundary of the forty-first townships to its intersection with the North Saskatchewan River, thence northerly down stream following the North Saskatchewan River to its intersection with the north boundary of the forty-fourth townships, thence westerly along the north boundary of the forty-fourth townships to the west boundary of the Province of Alberta, thence south-easterly along the west boundary of the Province of Alberta to the point of commencement.

REGISTRATION DISTRICT OF SETTLER.

That portion of the Province of Alberta described as follows:

Commencing at the intersection of the north boundary of the thirtieth townships with the east boundary of the Province of Alberta, thence northerly along the said east boundary of the said province to the north boundary of the thirty-sixth townships, thence westerly along the said north boundary

of the thirty-sixth townships to the line between ranges seven (7) and eight (8) west of the fourth meridian, thence northerly along said line between ranges seven (7) and eight (8) west of the fourth meridian to the north boundary of the thirty-eighth townships, thence westerly along the north boundary of the thirty-eighth townships to the line between ranges ten (10) and eleven (11) west of the fourth meridian, thence northerly along said line between ranges ten (10) and eleven (11) west of the fourth meridian to the Battle River, thence westerly up stream along the Battle River to its intersection with the north boundary of the forty-first townships, thence westerly along the north boundary of the forty-first townships to the line between ranges nineteen (19) and twenty (20) west of the fourth meridian, thence southerly along said line between ranges nineteen (19) and twenty (20) west of the fourth meridian to the north boundary of section thirteen (13), township forty-one (41), range twenty (20), west of the fourth meridian, thence westerly along said north boundary of section thirteen (13) to the east shore of Buffalo Lake, thence south-westerly along the east shore of Buffalo Lake to the mouth of Tail Creek, thence southerly along Tail Creek to the Red Deer River, thence southerly down stream along Red Deer River to its intersection with the north boundary of the thirty-third townships, thence easterly along said north boundary of the thirty-third townships to the line between ranges thirteen (13) and fourteen (14) west of the fourth meridian, thence southerly along said line between ranges thirteen (13) and fourteen (14) west of the fourth meridian to the north boundary of the thirty-second townships, thence easterly along the said north boundary of the thirty-second townships to the line between ranges ten (10) and eleven (11) west of the fourth meridian, thence southerly along said line between ranges ten (10) and eleven (11) west of the fourth meridian to the north boundary of the thirty-first townships, thence easterly along said north boundary of the thirty-first townships to the line between ranges six (6) and seven (7) west of the fourth meridian, thence southerly along said line between ranges six (6) and seven (7) west of the fourth meridian to the north boundary of the thirtieth townships, thence easterly along said north boundary of the thirtieth townships to the point of commencement.

REGISTRATION DISTRICT OF CALGARY.

That portion of the Province of Alberta described as follows:

Commencing at the intersection of the north boundary of the sixteenth townships with the west boundary of the Province of Alberta, thence easterly along the said north boundary of the sixteenth townships to the Bow River, thence south-easterly down stream of the Bow River to the north boundary of townships thirteen (13), thence easterly along the said north boundary of townships thirteen (13) to the line between ranges eleven (11) and twelve (12) west of the fourth meridian, thence northerly along the said line between ranges eleven (11) and twelve (12) west of the fourth meridian to the Red Deer River, thence easterly down stream along the Red Deer River to the east boundary of the Province of Alberta, thence northerly along the east boundary of the Province of Alberta to the north boundary of the thirtieth townships, thence westerly along the north boundary of the thirtieth townships to the line between ranges six (6) and seven (7) west of the fourth meridian, thence northerly along said line between ranges six (6) and seven (7) west of the fourth meridian to the north boundary of the thirty-first townships, thence westerly along the north boundary of the thirty-first townships to the line between ranges ten (10) and eleven (11) west of the fourth meridian, thence northerly along the line between ranges ten (10) and eleven (11) west of the fourth meridian to the north boundary of the thirty-second townships, thence westerly along the said north boundary of the thirty-second townships to the line between ranges thirteen (13) and fourteen (14) west of the fourth meridian, thence northerly along said line between ranges thirteen (13) and fourteen (14) west of the fourth meridian to the north boundary of the thirty-third townships, thence westerly along the north boundary of the thirty-third townships to its intersection with the Red Deer River thence north-easterly up stream along the Red Deer River to its intersection with the north boundary of the thirty-fourth townships, thence westerly along the north boundary of the thirty-fourth townships to its intersection with the west boundary of the Province of Alberta, thence south-easterly along the west boundary of the Province of Alberta to the point of commencement.

REGISTRATION DISTRICT OF BASSANO.

That portion of the Province of Alberta described as follows:

Commencing at the intersection of the line between ranges twenty-one (21) and twenty-two (22) west of the fourth meridian with the north boundary of the sixteenth townships, thence easterly along the said north boundary of the sixteenth townships to the Bow River, thence south-easterly down stream along the Bow River to its most easterly intersection with the north boundary of the thirteenth townships, thence easterly along the north boundary of the thirteenth townships to the line between ranges eleven (11) and twelve (12) west of the fourth meridian, thence north along the line between ranges eleven (11) and twelve (12) west of the fourth meridian to the Red Deer River, thence easterly down stream along the Red Deer River to its intersection with the line between ranges nine (9) and ten (10) west of the fourth meridian, thence north along the said line between ranges nine (9) and ten (10) west of the fourth meridian to the north boundary of the twenty-sixth townships, thence westerly along the north boundary of the twenty-sixth townships to the line between ranges twenty-one (21) and twenty-two (22) west of the fourth meridian, thence southerly along the line between ranges twenty-one (21) and twenty-two (22) west of the fourth meridian to the point of commencement.

REGISTRATION DISTRICT OF MEDICINE HAT.

That portion of the Province of Alberta bounded as follows:

On the east by the eastern boundary of the Province of Alberta; on the south by the southern boundary of the said province; on the north by the Red Deer River; and on the west by a line described as follows: Commencing at the intersection of the southern boundary of the Province of Alberta with the line between ranges ten (10) and eleven (11) west of the fourth meridian, thence north following the said line between ranges ten (10) and eleven (11) west of the fourth meridian to the South Saskatchewan River, thence west up stream following the said South Saskatchewan River to its intersection with the northern boundary of the thirteenth townships, thence east along the said northern boundary of the said thirteenth townships to the line between ranges eleven (11) and twelve (12) west of the fourth meridian, thence north along said line between ranges eleven (11) and twelve (12) west of the fourth meridian to the Red Deer River.

REGISTRATION DISTRICT OF MACLEOD.

That portion of the Province of Alberta bounded as follows:

On the north by the northern boundary of the sixteenth townships; on the west by the western boundary of the Province of Alberta; on the south by the southern boundary of the Province of Alberta; and on the east by a line described as follows: Commencing at the intersection of the northern boundary of the sixteenth townships with the line between ranges twenty-four (24) and twenty-five (25) west of the fourth meridian, thence southerly along the said line between ranges twenty-four (24) and twenty-five (25) west of the fourth meridian to the northern boundary of the twelfth townships, thence easterly along the northern boundary of the twelfth townships to the line between ranges twenty-three (23) and twenty-four (24) west of the fourth meridian, thence southerly along the line between ranges twenty-three (23) and twenty-four (24) west of the fourth meridian to its intersection with the Belly River, thence easterly down stream along the Belly River to the mouth of the St. Mary River, thence southerly up stream along the St. Mary River and Lees Creek to the intersection of the said Lees Creek with the southerly limit of the Blood Indian Reserve, thence westerly along the said southerly limit of the Blood Indian Reserve to the line between ranges twenty-seven (27) and twenty-eight (28) west of the fourth meridian; thence southerly along the said line between ranges twenty-seven (27) and twenty-eight (28) west of the fourth meridian to the southern boundary of the Province of Alberta.

REGISTRATION DISTRICT OF LETHBRIDGE.

That portion of the Province of Alberta which may be more particularly described as follows:

Commencing at the intersection of the southern boundary of the Province of Alberta with the line between ranges ten (10) and eleven (11) west of the fourth meridian, thence north along the said line between ranges ten (10)

and eleven (11) west of the fourth meridian to the South Saskatchewan River, thence west up stream along the said South Saskatchewan River and the Bow River to the intersection of the Bow River with the north boundary of the sixteenth townships, thence west along the north boundary of the sixteenth townships to the line between ranges twenty-four (24) and twenty-five (25) west of the fourth meridian, thence southerly along the said line between ranges twenty-four (24) and twenty-five (25) west of the fourth meridian to the northern boundary of the twelfth townships, thence east along the northern boundary of the twelfth townships to the line between ranges twenty-three (23) and twenty-four (24) west of the fourth meridian, thence southerly along the line between ranges twenty-three (23) and twenty-four (24) to its intersection with the Belly River, thence easterly down stream along the Belly River to the mouth of the St. Mary River, thence southerly up stream along the St. Mary River and Lees Creek to the intersection of the said Lees Creek with the southerly limit of the Blood Indian Reserve, thence westerly along the said southerly limit of the Blood Indian Reserve to the line between ranges twenty-seven (27) and twenty-eight (28) west of the fourth meridian, thence southerly along the said line between ranges twenty-seven (27) and twenty-eight (28) west of the fourth meridian to the south boundary of the Province of Alberta, thence easterly along the south boundary of the Province of Alberta to the point of commencement.

REGISTRATION DISTRICT OF TABER.

That portion of the Province of Alberta bounded as follows:

Commencing at north-east corner of township seven (7), range eleven (11) west of the fourth meridian, thence north on the line between ranges ten (10) and eleven (11) west of the fourth meridian to the South Saskatchewan River, thence westerly up stream along the said South Saskatchewan River and the Bow River to the intersection of the said Bow River with the northerly boundary of the sixteenth townships, thence westerly along the north boundary of the sixteenth townships to the line between ranges twenty (20) and twenty-one (21) west of the fourth meridian, thence southerly along the line between ranges twenty (20) and twenty-one (21) west of the fourth meridian to the north boundary of townships eleven (11), thence easterly along the north boundary of townships eleven (11) to the line between ranges eighteen (18) and nineteen (19) west of the fourth meridian, thence southerly on the line between ranges eighteen (18) and nineteen (19) west of the fourth meridian, to the north boundary of townships seven (7), thence easterly along the said north boundary of townships seven (7) to the point of commencement.

His Honour the Lieutenant Governor, by and with the advice of the Executive Council, has also been pleased to order that until otherwise ordered the clerks or acting clerks of the Supreme Court of each Judicial District respectively shall act as the registration clerks for every Registration District respectively situate within its boundaries.

CLERK OF EXECUTIVE COUNCIL.

MASTERS IN CHAMBERS.

DISTRICT COURT MATTERS.

NOTE.—In all actions brought or proposed to be brought in a District Court a master in chambers shall have power and do all such things, transact all such business, and exercise all such authority and jurisdiction in respect to the same as may be done, transacted, or exercised by a judge of a District Court sitting in chambers. *See District Courts Act, 1907, Sec. 24 (a).*

SUPREME COURT.

Upon the recommendation of the Honourable the Attorney General, dated March 26th, 1913, the Executive Council advises that, pursuant to section 24 of *The Supreme Court Act*, the following rules be passed and promulgated as Rules of Court:

1. A master in chambers, in regard to all actions brought, or proposed to be brought, in the Supreme Court, shall be, and hereby is, empowered and required to do all such things, transact all such business and exercise all such authority and jurisdiction in respect to the same as may be now done, transacted or exercised under and by virtue of sections 42, 43 and 44 of *The District Courts Act*, and amendments from time to time thereto, by any judge of the District Court when acting as a local judge of the Supreme Court;

2. Any persons affected by a decision, judgment or order of the master in chambers may appeal therefrom to a judge of the Supreme Court;

3. The appeal shall be by motion on notice served within four days and returnable within ten days after the decision complained of, or within such further time as may be allowed by a judge of the Supreme Court, or by the master in chambers;

4. The appeal shall not be a stay of proceedings unless so ordered by a judge of the Supreme Court or by the master in chambers;

5. When the judgment, order or decision is made or given in vacation, or within six days next preceding vacation, a person affected thereby may appeal therefrom during vacation by leave of a judge, or may appeal after vacation in the same manner, and within the same time as if the judgment, order or decision had been made on the first day after such vacation.

Wednesday, March 20, 1913.

OFFICE HOURS.

The Executive Council has had under consideration the report of the Honourable the Attorney General, dated June 18th, 1914, stating that, subject to the orders of the Lieutenant Governor in Council, every master in chambers is, by section 27 of *The Judicature Ordinance*, an officer of the Supreme Court and attached thereto.

Therefore, upon the recommendation of the Honourable the Attorney General, the Executive Council advises that masters in chambers shall attend daily at their offices in the court house at the Cities of Edmonton and Calgary respectively and shall keep the said offices open daily between the hours of ten o'clock in the forenoon and four o'clock in the afternoon on all days except Sundays and holidays, and except Saturdays and during vacation when the same shall be closed at one o'clock in the afternoon.

Tuesday, June 23, 1914.

RULES OF COURT,

Under the provisions of Sec. 24 of *The Supreme Court Act*, 1907, the Alberta Rules of Court, 1914, have been authorized and promulgated as the Rules of Court giving the practice and procedure in the said Courts taking effect on the First day of September, 1914. (See *Alberta Gazette*, Vol. 10, No. 16, page 4.) These Rules are printed in a separate volume.

1907

CHAPTER 4.

An Act respecting the District Courts.

(Assented to February 11, 1907.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

Short title **1.** This Act may be cited as the "*District Courts Act.*"

INTERPRETATION.

Interpretation **2.** In the construction of this Act, unless there is anything in the subject or context repugnant thereto, the several words hereinafter mentioned shall have or include the meanings following, that is to say:

Judge (a) The expression "judge" or "District Court judge" means a judge or junior judge of any of the District Courts in this province, or any acting judge, or deputy lawfully acting for him, or any judge of the Supreme Court acting as a District Court judge;

Claim (b) The expression "claim" means the demand or the subject-matter for which any action, suit, or proceeding is brought or instituted in any District Court;

Cause (c) The expression "cause" shall include any action, suit or other original proceeding between a plaintiff and defendant;

Action or suit (d) "Action" or "suit" shall mean a civil proceeding commenced in manner prescribed by rules of court;

Matter (e) "Matter" shall include every proceeding in any District Court, not in a cause;

Order (f) "Order" shall include rule;

Person (g) The expression "person" means any person, whether a party to a suit, action or proceeding, or not, and includes a body politic or corporate;

Party (h) The expression "party" means a party to a suit, action or proceeding, and includes a body politic or corporate, and every person served with notice of or attending any proceeding, although not named on record;

Plaintiff (i) The expression "plaintiff" shall include every person asking for any relief (otherwise than by way of counterclaim as a defendant) against any other person by any form of proceeding, whether the same be taken by action, suit, petition, motion, summons or otherwise;

Defendant (j) The expression "defendant" shall include every person served with any writ, or summons, or process, or served with notice of or entitled to attend any proceedings;

(k) The expression "process" means any summons, writ or ^{Process} warrant issued under the seal of the court, or a judge's summons or order;

(l) The expression "rules of court" shall include forms; ^{Rules of court}

(m) The expression "judgment" shall mean and include ^{Judgment} every judgment, decree, and order in any cause;

(n) The expression "real estate" or "lands" shall extend ^{Real estate} to and mean lands, messuages, mines, and all other hereditaments whatsoever.

FORMATION OF COURTS.

3. There shall be in every judicial district in the province ^{Formation of courts} a Court of Record to be styled the District Court of the District of (as the case may be).

SEAL OF COURTS.

4. Each of the said courts shall have and use as occasion ^{Seal} may require a seal bearing a device and impression of His Majesty's Royal Arms with a label surrounding the same with this inscription: "The seal of the District Court of the District of Calgary" (or as the case may be).

(2) The seal of the District Court in each judicial district shall also be the seal of the District Court judge's criminal court for each judicial district respectively. 1910 (2nd Session) c. 2, s. 15.

JUDGES.

5. Each court shall be presided over by a judge to be known ^{Judges} by the name and style of the judge of the District Court for which he has been appointed.

6. Where it is deemed necessary an additional judge or ^{Additional judges} additional judges may be appointed for any District Court, and in such case each of the judges so appointed to any District Court shall have jurisdiction therein.

7. In case more than one judge is appointed for any District ^{The senior judge to be styled "The Judge," etc., District judge} Court, then, unless otherwise expressed in the commission the judge whose commission has priority of date shall be styled "The judge of the District Court of" (as the case may be), and the other judge of the same court shall be styled "The junior judge" thereof.

8. An acting or deputy judge may be appointed for any ^{Deputy judge} District Court, who shall hold office during pleasure, and such appointment may be made notwithstanding that the office of judge is vacant by death or resignation or that the judge is ill or absent, and such acting or deputy judge shall have authority to perform in the place of the judge in the district for which he is deputy all the duties of and incident to the judge of the District Court.

(2) No deputy judge shall be disabled from practising the profession of law while holding his appointment.

District judge
may act for
more than one
district

9. A District Court judge or junior judge may be appointed the judge or junior judge for one or more District Courts.

Duties of
judges re
holding court
elsewhere
than in his
own district

10. It shall be the duty of a district judge to hold any of the courts in any district other than his own, or to perform any other duty of a District Court judge in any district upon being requested so to do by an order of the Attorney General, and without any such order the judge in any district may, if he sees fit, perform any judicial duties in any district other than his own on being requested so to do by the judge to whom the duty for any reason belongs; and while so acting in compliance with such direction or request he shall possess all the powers and authorities of the District Court judge of such other district.

(2) Any District Court judge may, upon being requested so to do by the Attorney General, perform in any district any duties that may be performed by a District Court judge in that district. 1915, c. 2, s. 23.

Residence of
district judge

11. Every District Court judge shall reside within the district of which his commission designates him as judge.

Must not
practise law

12. No judge shall during the continuance of his appointment directly or indirectly practise in the profession of law, or do any manner of conveyancing.

Oath of judge
or deputy judge

13. No District Court judge or deputy judge shall enter upon the duties of his office until he has taken the following oath before some person appointed by the Lieutenant Governor to administer the same, that is to say:

"I,do swear that I will (in the case of a deputy judge add the words, as occasion may require) truly and faithfully according to my skill and knowledge, execute the several duties, powers and trusts of judge of the District Court of the district of.....without fear, favour or malice. So help me God."

To be a J.P.

14. Every District Court judge, not including a deputy judge shall be *ex officio* a justice of the peace.

Judges
of Supreme
Courts to act
as District
Court judges

15. Any or all of the judges of the Supreme Court of the province shall upon the request of the Lieutenant Governor in Council, perform the duties by this or any other Act or law devolving upon the judges of District Courts for any or all of the districts in the province, and when so acting such judge or judges shall have, use, exercise and enjoy all the powers, authority and functions by this or any other Act or law conferred or devolving upon such District Court judge or judges.

CLERKS.

District
Court clerks

16. The Lieutenant Governor in Council may from time to time appoint a clerk to every District Court, but until such appointment is made the clerk or acting clerk of the Supreme Court for the judicial districts respectively shall exercise all the functions which under any law or regulation made thereunder would be exercisable by the clerks of the District Courts respectively.

16a. Whenever it appears that the convenience of the public so requires, the Lieutenant Governor in Council may ^{Power to appoint deputy District Court clerks} appoint deputy clerks for the District Courts, for all or any of the judicial districts in the province, and may designate the place or places where their offices shall be established, and may fix their remuneration and the expression "clerk or clerks" where used in this Act shall be taken to include such deputy clerks respectively. 1911-12, c. 4, s. 19.

(2) Until such appointment is made the deputy clerk, or acting deputy clerk of the Supreme Court for the judicial districts respectively shall exercise all the functions which under this Act would be exercisable by deputy clerks of the District Courts. 1911-12, c. 4, s. 19.

(3) All appointments heretofore made by the Lieutenant Governor in Council of persons as deputy clerks, acting deputy clerks, or acting clerks, of any District Court in this province are hereby declared to have been and to be legal and valid. 1911-12, c. 4, s. 19.

17. The clerks of the District Courts or, until such officials are appointed the clerks or acting clerks of the Supreme Court shall perform all the duties with relation to the said District Courts as the clerks of the Supreme Court are required to perform in relation to the Supreme Court under any Statute, Act, Ordinance or rule relating thereto so far as such Statute, Act, Ordinance or rule is applicable to the said District Court; and until otherwise provided the regulations in force governing the conduct of the offices, and returns required from the clerks of the Supreme Court under any such Statute, Act, Ordinance or regulation shall apply to the clerks of the said District Courts and to the clerks of the Supreme Court while acting hereunder as clerks of such District Courts. ^{Duties of}

SHERIFFS.

18. The sheriffs in the judicial districts shall respectively perform all duties, and subject to the rules of court, both within the territorial limits for which they are appointed as well as without such limit, shall serve and execute all writs, summonses and orders, and all the sentences, decrees, judgments, rules, warrants, commands and processes of the said District Courts throughout the province and shall make such returns of the same together with the manner of the execution thereof, to the said courts as they are required by law to do with relation to similar writs, summonses, orders, sentences, decrees, judgments, rules, warrants, commands and processes of the Supreme Court under any law, order or regulation now in force or which may hereafter be put in force. ^{Sheriffs}

OFFICES.

19. All writs, summonses, orders, decrees, judgments, rules, warrants, and legal processes of every nature and kind which under any law, order or regulation may be issued out of or by the said District Courts shall until otherwise provided be issued out of the offices of the clerks and acting clerks of the Supreme Court and out of the offices of the sheriffs of the judicial districts according to the law, order or regulation governing the same. ^{Offices}

SITTINGS OF COURTS.

Sittings
of courts

20. The judges of the District Courts and the judges of the Supreme Court when acting as District Court judges shall hold court at such times and places as shall be specified by the Lieutenant Governor in Council by order in that behalf.

Additional
sittings

21. In addition to the regular sittings of the District Courts, the judge of every District Court may at such times as he appoints for the purpose hold additional sittings of such court for the trial of issues of fact to be tried by such court without a jury, and he shall hold such sittings as often as may be requisite for the due despatch of business.

Adjournment
of sittings

22. Where from illness or other casualty the judge who is to hold the sittings of the District Court is unable to hold the same at the time appointed therefor the sheriff or acting sheriff of the district or his deputy may adjourn by his proclamation the said court to any hour on the following day to be by him named and so from day to day until the judge is able to hold such court, or until he receives other directions from the judge or Attorney General.

(2) The sheriff shall forthwith notify any adjournment to the Attorney General.

JURISDICTION.

Jurisdiction

23. The District Courts shall have jurisdiction in all causes, actions, matters, suits or proceedings whether of debt, covenant contract or damage or involving the validity of any will or settlement or in relation to land or any legal or equitable interest therein, or in actions seeking equitable relief or for a declaratory judgment or to establish the right of a creditor to rank upon an insolvent estate, and, generally, in all matters which may be made the subject of a claim for relief, whether legal or equitable or to enforce any right whether legal or equitable, where the debt or damages, claim or demand does not exceed \$600 or where the subject matter involved in any claim for relief or for the enforcement of any right or demand does not exceed \$600. 1911-12, c. 4, s. 19 (2).

All kinds of
relief may be
granted

24. Every District Court shall, as regards all causes of action within its jurisdiction have power to grant and shall grant in any proceeding before such court such relief, redress or remedy, or combination of remedies either absolute or conditional, and shall in every such proceeding give such and the like effect to every ground of defence or counterclaim legal or equitable (subject to the provisions next hereinafter contained) in as full and ample a manner as might and ought to be done in a like case by the Supreme Court.

24a. In all actions brought or proposed to be brought in a District Court a master in chambers shall have power and do all such things, transact all such business, and exercise all such authority and jurisdiction in respect to the same as may be done, transacted, or exercised by a judge of a District Court sitting in chambers. 1914, c. 2, s. 11.

25. Where in a proceeding before a District Court any defence or counterclaim of the defendant involves matter beyond the jurisdiction of the court, such defence or counterclaim shall not affect the competence or the duty of the court to dispose of the whole matter in controversy so far as relates to the demand of the plaintiff and the defence thereto, but no relief exceeding that which the court has jurisdiction to administer shall be given to the defendant upon such counterclaim. Counterclaim beyond jurisdiction

26. Where it appears at any time before or during the trial that the claim of the plaintiff is in excess of the jurisdiction of the court, the plaintiff may in his discretion before or during the trial by writing signed by him and filed, upon such terms as the judge deems proper as to costs and otherwise, abandon so much of his claim as is in excess of the jurisdiction of the court, and in such case the plaintiff shall forfeit such excess, and shall not be entitled to recover the same in any other action. Abandonment of excess by plaintiff

27. Notwithstanding anything in this Act contained the District Courts shall have jurisdiction to try any action when the plaintiff and defendant before the issue of the writ agree, by memorandum in writing, signed by them and filed upon the application for the writ, that the court named in such memorandum shall have power to try the action, but such agreement shall not prejudice or affect any right of appeal of any of the parties. Jurisdiction of court where parties agree

TRANSFER OF CASES TO THE SUPREME COURT.

28. Where it appears in an action or proceeding brought in a District Court that such court has not jurisdiction to try such action or proceeding, or that the question raised therein cannot be dealt with by the District Court so as to do complete justice between the parties, or may for any other reason be more conveniently dealt with in the Supreme Court, the judge of the District Court or a judge of the Supreme Court may order the action or proceeding to be transferred to the Supreme Court; and the order of transference may be made by the court or judge *sua sponte*, or upon the application of either party on notice to the other parties interested, and may be made at any stage of the action or proceeding. Transfer of cases to Supreme Court

(2) When an order is made under the preceding subsection the action or proceeding shall thereafter proceed in the Supreme Court; and the judges of the Supreme Court and the officers thereof shall have the same powers and perform the same duties in relation thereto as if the action or proceeding had been originally instituted in the Supreme Court; but the pleadings and proceedings taken in the court from which such action or proceeding was transferred shall stand and have effect notwithstanding the transfer; and, subject to the rules of the court and to any order in that behalf made by the court or judge, the costs of the proceedings so taken previous to the transfer shall be paid and the solicitor's costs taxed according to the scale of costs in the said District Court.

(3) Where an order transferring a cause or matter in a District Court to the Supreme Court is made at the instance of any of the parties thereto, the judge making the order may in his

discretion make and impose terms on the party applying for the order as to payment of costs, giving security for debt and costs, or such other terms as he sees fit.

Pleading to jurisdiction

29. When it is intended by a pleading to exclude the jurisdiction of the court upon any ground, it shall be so expressly stated in the pleading, and the matter relied on for that purpose shall also be set out in the pleading.

Determination of issue raised

30. Issue may be taken on any such pleading or reply may be made or a summary application may be made to the judge to determine the matter so raised, and the judge may upon such application order the case to be transferred to the Supreme Court or make such order as may be just.

TRANSFER OF CASES FROM THE SUPREME COURT.

Transfer of cases from Supreme Court

31. If any action be brought to the Supreme Court which is within the competence of the District Court, or if any action, though originally not within the competence of the District Court, is reduced by payment or admitted set-off or otherwise so as to bring it within the competence of the District Court, a judge of the Supreme Court, at any time and either upon application by either party to the action or *sua sponte*, may order such action to be tried in the District Court in which such action might have been commenced, or in any other District Court; and may make such order as to costs or otherwise as to him shall seem just; and such action and all proceedings therein shall be transferred accordingly and shall, subject to such order, proceed in the said District Court in all respects as though it had been originally commenced therein.

PLACE OF TRIAL IN CERTAIN CASES.

Place of trial in certain cases

32. Actions for the recovery of or for trespass or injury to land or corporeal hereditaments shall be brought and tried in the district where the land or premises sought to be recovered or in respect of which damages are claimed lie, and actions for a partnership account in the district where the partnership had or has its principal place of business, and actions relating to or founded upon any will shall be brought and tried in the district where letters probate or of administration have issued, or where the deceased resided at the time of his death, unless by consent of parties, or unless the place of trial is changed in accordance with the provisions of this Act or the rules of court in that behalf. 1909, c. 4, s. 13.

Changing place of trial in certain cases

(2) In all actions subject to any special statutory provisions or proceedings commenced in a District Court, the judge thereof or a judge of the Supreme Court (subject to appeal in either case to the Supreme Court *en banc*) may order the action or proceeding to be transferred to any other District Court in the province in any case in which it is made to appear to his satisfaction that the preponderance of convenience is against the trial of the action in the District Court in which the action or proceeding has been so commenced; and in the event of an order being so made the clerk of the District Court in which the action

was commenced shall forthwith transmit all papers in the matter to the clerk of the District Court to which the matter has been transferred and all subsequent proceedings shall be entitled in such last mentioned court and carried on therein as if the proceedings had originally been commenced therein. 1909, c. 4, s. 13 (1).

33. An action by or against a judge of a District Court which is within the competence of a District Court may be brought in the District Court of any district adjoining that in which such judge resides. Action against district judge

RULES OF COURT.

34. The Lieutenant Governor in Council may from time to time make and authorize the promulgation of rules of court for the said District Courts, and alter and annul any rules of court for the time being in force, and may make any further or additional rules of court for carrying this Act into effect or may authorize the judges of the Supreme Court to make and promulgate such rules, but such rules, or amended or additional rules, shall not be inconsistent with this Act, and may by such rules regulate any matters relating to the practice and procedure of the said courts, or the duties of the officers thereof, or as to the costs of proceedings therein, and every other matter deemed expedient for the better attaining the ends of justice, advancing the remedies of suitors and carrying into effect the provisions of this Act and of all other Acts now or hereafter in force respecting the said courts; but until such rules of court are so made the rules, practice and procedure for the time being of the Supreme Court shall *mutatis mutandis* apply and extend to the District Courts and to all causes and matters therein unless any of such rules are from their nature inapplicable to such courts: Rules of court

Provided, however, that nothing herein contained shall be taken to extend the jurisdiction of the said courts beyond the limitations in section 23 of this Act mentioned.

35. The provisions of *The Judicature Ordinance* and of any Act or Rules which may hereafter be passed or promulgated in substitution thereof, or amendment thereof, and the several rules of law enacted and declared therein shall be in force and receive effect in all District Courts in Alberta so far as the matters to which such rules relate shall be respectively cognizable by such courts. Judicature Ordinance applies

CONTEMPT OF COURT.

36. The several District Courts shall have and exercise the same powers to enforce their rules, regulations and directions as the Supreme Court possesses, and may punish by fine or imprisonment, or by both, for any wilful contempt or resistance to their regular process, rules or orders; but the fine shall in no case exceed \$100, nor shall the imprisonment exceed six months. Contempt

TARIFF OF COSTS.

37. The Lieutenant Governor in Council may frame a tariff of costs to be allowed to solicitors and counsel in respect of actions Tariff of costs, clerks' and sheriffs' fees

in the District Courts, and may frame a schedule of fees to be taken by clerks and sheriffs in relation to causes and matters in the said courts; and may alter and amend the same, or may authorize the judges of the Supreme Court so to do, but until such tariff and schedule respectively are so framed, the tariff of costs set out in the consolidated rules of the Supreme Court of the North-West Territories and amendments thereto, as the tariff of advocate's fees upon the lower scale and the fees to clerks and sheriffs in actions not exceeding \$200, shall respectively be the tariff of costs to be allowed to solicitors and counsel and the fees to be taken by clerks and sheriffs in actions, causes and matters in the said courts:

Provided that notwithstanding anything herein contained the tariff of costs allowed from time to time to solicitors and counsel in respect of actions in the Supreme Court shall apply to actions in the District Court where the debt or damages, claim or demand exceeds \$400, or where the subject matter involved in any claim for relief or for the enforcement of any right or demand exceeds \$400. 1911-12, c. 4, s. 19 (3).

Costs where
there is no
jurisdiction

38. In all actions or other proceedings brought in a District Court in which the plaintiff fails to recover judgment by reason of such court having no jurisdiction over the subject matter thereof, the District Court shall have jurisdiction over the costs of the action, or other proceeding, and may order by and to whom the same shall be paid, and the recovery of the costs so ordered to be paid may be enforced by the same remedies as the costs in actions or proceedings within the proper competence of the said court are recoverable.

EXECUTION.

Execution

39. The District Courts may issue writs of execution against goods and lands, writs of attachment or replevin in like case, upon the same terms and in the same order as similar writs may be issued in the Supreme Court.

Writs of
execution, etc.,
may run in
another district

40. The District Courts may issue writs of execution against goods and lands, writs of attachment, replevin or subpoena, rules on the sheriff and any other rules, orders and proceedings into any other district to be served or executed therein; and judges' summonses and orders may be issued in like manner; and all such writs, rules, summonses, orders and proceedings shall be of equal force and effect, and as binding as if the same had been issued from the court or by the judge of the district to or into which they are so issued, and all subsequent proceedings thereupon shall save as herein otherwise provided be carried on in the court in which the action has been brought or judgment entered: Provided that where relief by way of interpleader is asked by a sheriff or other officer charged with the execution of process by or under the authority of any District Court, the interpleader summons shall be issued from the court of the district in which the levy was made and the claimant and any other parties to the said summons shall be summoned to such court, and all subsequent proceedings thereupon shall be carried on in such court. 1909, c. 5, s. 15.

Interpleader

JURISDICTION IN PROBATE.

41. Every District Court shall have power to grant probate of wills or letters of administration or ancillary probate or letters of administration and to pass the accounts of executors and administrators and make orders for the allowance to them of remuneration and for the proper disposition or division of the property of the testator or intestate in relation to the estate and effects of persons residing at the time of death within the territorial limits of such court; and in case of death outside the province the District Court of the district where the testator or intestate had at his death any property shall have such jurisdiction; and such grant shall have effect over the estate of the deceased in all parts of the province; and the rules of court of the Supreme Court with relation to probate and letters of administration shall apply *mutatis mutandis* to the District Courts; and the fees to be allowed to advocates in non-contentious probate or administration matters shall be the fees set out in the tariff of the consolidated rules of the Supreme Court of the North-West Territories in relation thereto until changed by competent authority; but nothing herein contained shall be taken to confer upon the said District Courts any jurisdiction in contentious business in relation to or arising out of grants of probate or letters of administration or ancillary probate or letters of administration beyond the limitations in section 23 of this Act mentioned. 1910 (2nd Session), c. 2, s. 15.

(2) Save as otherwise provided in any rules or tariff of fees and charges from time to time in force, the judges of the District Courts may demand and take to their own use upon any grant of probate of wills or letters of administration or ancillary probate or letters of administration, or upon the passing of accounts of executors and administrators, such fees as may from time to time be fixed by order of the Lieutenant Governor in Council, and such fee shall be collected by the clerks of the said courts respectively on or before each proceeding and paid over to the judges, and annual returns of such fees up to the thirty-first day of December, in each year shall be made by the clerks on or before the first day of February in each year.

(3) The Lieutenant Governor in Council may, with the consent of any District Court, or District Court judge, commute the fees payable to him under this Act for a fixed annual sum; such sum not to exceed the income derived from such fees in some preceding year after the first year; and any sum so fixed may as vacancies occur be rescinded or may be varied, and the amount increased or diminished provided that in no case shall any order in council issued after the first year that this Act is in force name a sum exceeding the receipts for the fees during some preceding year.

(4) Where there is no commutation and the fees aforesaid exceed the sum of one thousand dollars in any year, the excess shall be received by the clerk and paid over to the treasurer of the province for the use of the province.

(5) In all matters or applications touching or relating to the appointment, control or removal of guardians, the security to be given, the custody, control of or right of access to an infant and otherwise, the District Court shall have the like powers,

jurisdiction and authority as are by *The Judicature Ordinance* given to the Supreme Court or a judge thereof, and letters of guardianship granted by a District Court shall be of the same force and effect as if issued by the Supreme Court or a judge thereof, and an official certificate of the grant may be obtained as in the case of letters of administration, but this section shall not be construed as depriving the Supreme Court of jurisdiction in such cases. 1909, c. 4, s. 13.

POWERS AS LOCAL JUDGES OF THE SUPREME COURT.

Powers as
local judges
of Supreme
Court

42. The judge of every District Court shall in all actions in the Supreme Court brought or proposed to be brought in his district, or in any district in which he is acting as District Court judge under the provisions of this Act, have, subject to the rules of court, concurrent jurisdiction with and the same power and authority as a judge of the Supreme Court to do and perform all such acts and transact all such business in respect to matters and causes in the Supreme Court as he is by statute or rules of court empowered to do and perform, and in the exercise of such jurisdiction may be styled "local judge of the Supreme Court." Provided that this amendment (subsection 3) shall come into force by proclamation only. 1910 (2nd Session), c. 2, s. 15. Proclaimed 1914, *Alberta Gazette*, Vol. 10, No. 16, page 4.

43. (*Repealed*—1910 (2nd Session), c. 2, s. 15 (3)).

44. (*Repealed*—1910 (2nd Session), c. 2, s. 15 (3)).

45. (*Repealed*—1910 (2nd Session), c. 2, s. 15 (3)).

APPEAL.

No appeal
where parties
agree to
finality of
district judge's
decision

46. No appeal shall lie from the decision of a District Court judge if before the decision is pronounced the parties shall agree in writing signed by themselves or their solicitors that his decision shall be final.

Appeal to
Supreme Court
en banc

47. Any party to a cause or matter in a District Court may, subject to the rules of court in that behalf, appeal to the Supreme Court *en banc* from any judgment directed by a judge of a District Court to be entered at or after the trial or pursuant to the findings of a jury.

Appeals from
decision of
district judges
under rules of
court, etc.

48. An appeal shall also lie to the Supreme Court *en banc* at the instance of any party to a cause or matter from any decision made by a judge of a District Court under any of the powers conferred upon him by any rules of court or any statute unless provision is therein made to the contrary; and from every decision or order made by a judge of a District Court under the provisions of the law relating to interpleader proceedings, the examination of debtor, attachment of debts and proceedings against garnishees; and from every decision or order made in any cause or matter disposing of any right or claim, providing always that the decision or order is in its nature final and not merely interlocutory; and

providing further that there shall be no appeal from such judge as *persona designata* unless such appeal is expressly authorized by the statute giving jurisdiction.

49. The provisions of order XLI of *The Judicature Ordinance* shall relate to and govern proceedings in appeal from the District Courts in the same way and to the same extent as they relate and apply to appeals from judges of the Supreme Court as well with regard to the limitation of the jurisdiction in appeal as in other respects. Limitations as to appeals

50. The District Court judge shall at the request of the appellant certify under his hand to the proper officer of the Supreme Court the pleadings in the cause and all motions, rules or orders made, granted or refused therein, together with the judge's charge (if any), and the judgment or decision on the same, and where a trial has been had the evidence, all objections and exceptions thereto, and all other papers in the cause affecting the question raised by the appeal. Proceedings to be certified

51. In appeals under section 48 the judge shall only be required under the next preceding section to certify the motions, rules, orders, affidavits, evidence and other materials, necessary for the full understanding of the matter in appeal together with his judgment or decision on the same. Where certain proceedings only to be certified

SMALL DEBT PROCEDURE.

52. The small debt procedure set out in order XLVII of *The Judicature Ordinance*, being part III thereof, and the forms and small debt tariff in the schedule to the said ordinance in such order referred to shall *mutatis mutandis*, apply to claims and demands for debt whether payable in money or otherwise, where the amount or balance claimed does not exceed \$100 in the District Courts; and all causes and matters pending under such small debt procedure in the Supreme Court of the North-West Territories at the time of the coming into force of this Act may, notwithstanding that they were commenced in the said Supreme Court of the North-West Territories, be continued in the District Court of the district from which the summons originally issued in the same way as though they had been commenced in such District Court under the provisions of this Act, and the judges of the District Courts respectively shall hear and determine such causes and matters, and executions and any proceedings in aid of execution which under the rules of court or otherwise may be taken in relation to small debt cases may be issued and taken out of the said District Courts respectively with respect to the same, and all moneys in court in any small debt cases so transferred shall be transferred to and shall be moneys in the District Court to which such cases are transferred herewith in the actions or matters in which such moneys are in court. Small debt procedure

Provided that the Lieutenant Governor in Council or the judges of the Supreme Court upon request of the Lieutenant Governor in Council may repeal, alter or amend the said procedure in small debt cases and the forms and tariff of costs and fees relative thereto or any of them. 1908, c. 20, s. 19.

DISTRICT JUDGE'S CRIMINAL COURT.

District judge's
criminal court

53. The judge of every District Court, or any judge of the Supreme Court performing the duties of a District Court judge in any district is constituted a Court of Record for the trial at any time and without a jury of any person committed to gaol on the charge of being guilty of any offence for which such person may be tried at a court of general sessions of the peace, and for which the person so committed consents to be tried by such judge and without a jury; and the court so constituted shall have the powers and duties which part LIV of *The Criminal Code*, 1892 purports to give to the courts therein mentioned, so far as the Legislature of this province can confer the same.

Name of court

54. The court constituted by the preceding section shall be called "The District Court Judge's Criminal Court" of the district in which the same is held. 1910 (2nd Session) c. 2, s. 15.

Duties of clerks

55. It shall be the duty of the clerks of the District Courts respectively, or until the same are appointed the clerks of the Supreme Court in the several districts respectively, to issue all process, record verdicts, judgments and proceedings of the said district judges' criminal courts, file convictions and orders of record and perform all ministerial acts whatsoever necessary to give effect to the decisions of the said courts; and the said clerks respectively are hereby authorized and empowered to take and administer, and cause to be taken and administered, oaths, declarations, and affirmations respecting the service, verification or attestation of any process of the said courts, or respecting any other matter or thing arising out of or incident to any proceeding in the said courts.

GENERAL.

Lieutenant
Governor in
Council may
make rules

56. The Lieutenant Governor in Council may make such rules and regulations and prescribe such forms as may be found necessary or expedient to effectuate the working of this Act.

Act to come
into force on
proclamation

57. This Act shall come into force upon proclamation.

PROCLAMATION.

Edmonton, Monday, Sept. 16, 1907.

That on from and after the 16th day of September, 1907, the above mentioned Act shall come into force and take effect. See *Alberta Gazette* Extra, Monday, Sept. 16, 1907.

1907

CHAPTER 5.

An Act to amend the Statute Law.

(Consolidated in the various Acts.)

1907

CHAPTER 6.

An Act respecting Assignments and Preferences by
Insolvent Persons.

(Assented to March 15, 1907.)

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Alberta, enacts
as follows:

SHORT TITLE.

1. This Act may be cited as "*The Assignments Act.*"

Short title

OFFICIAL ASSIGNEES.

2. The Lieutenant Governor in Council may appoint one
or more persons in each judicial district of this province to be
an official assignee under this Act. 1913 (2nd Session), c. 2,
s. 12 (1). Appointment
of official
assignees

3. No official assignee shall accept any assignment or trust
or execute any duties under this Act unless and until he has
given security to the satisfaction of the Lieutenant Governor
in Council by bond or bonds or otherwise to His Majesty, his
heirs and successors in the sum of ten thousand dollars for the
due accounting and payment over of all moneys received by
him as such assignee. Security to
be given by
official assignee

4. An official assignee may charge up to each estate which
comes into his hands the sum of five dollars to reimburse
himself the expense incident to the furnishing of said bonds. Expense of
furnishing bond

ASSIGNMENTS.

5. Subject to the provisions of section forty-two hereof every
assignment for the general benefit of creditors which is not void
under any of the sections of this Act numbered from thirty-nine
to forty-three inclusive of both such numbers shall be absolutely
null and void to all intents and purposes unless such assignment
is made to an official assignee. 1909, c. 4, s. 14 (1); 1913 (2nd
Session), c. 2, s. 12 (2). General
assignment not
in accordance
with Act
when void

6. Every assignment made under this Act for the general
benefit of creditors shall as to the description of the property
comprised therein be valid and sufficient if such description
is in the words following, that is to say: "All my personal
property and all my real estate, credits and effects which may
be seized and sold under execution," or if it is in words to the
like effect; and an assignment so expressed shall vest in the
Form of
assignment
for general
benefit of
creditors

assignee all the real and personal estate, rights, property, credits and effects whether vested or contingent belonging at the time of the assignment to the assignor except such as are by law exempt from seizure or sale under execution or other legal proceedings, subject, however, as regards lands to the provisions of *The Land Titles Act*.

(2) (*Repealed*—1913 (2nd Session), c. 2, s. 12 (3)).

All assignments for general benefit of creditors to be subject to this Act

7. Every assignment hereafter executed in accordance with this Act for the general benefit of creditors whether the assignment is or is not expressed to be made under or in pursuance of this Act and whether the debtor has or has not included all his real and personal estate shall vest the estate whether real or personal or partly real and partly personal thereby assigned in the assignee therein named for the general benefit of creditors; and such assignment and the property thereby assigned shall be subject to all the provisions of this Act and the provisions of this Act shall apply to the assignee named in such assignment.

Assignments to take precedence of judgments, executions, etc.

8. An assignment for the general benefit of creditors under this Act shall take precedence of all attachments of debts by way of garnishment where the money has not been actually paid over to the garnishing creditor as well as of all other attachments and of all judgments and of all executions not completely executed by payment, subject to the lien, if any, of execution or attaching creditors for their costs.

Sheriff to hand over property seized

9. In case a deed of assignment as aforesaid has been duly executed and registered the sheriff having seized property of the assignor under execution or attachment shall upon receiving a copy of the assignment duly certified by the clerk of the registration district for mortgages and other transfers of personal property in whose office it is registered or verified by affidavit forthwith deliver to the assignee all the estate and effects of the execution debtor in his hands upon payment by the assignee to the sheriff of his fees and charges and the costs of the execution creditor or creditors who has or have a lien as above provided.

Amendment of assignment by judge

10. No advantage shall be taken or gained by any creditor of any mistake, defect or imperfection in any assignment under this Act for the general benefit of creditors if the same can be amended or corrected; and any such mistake, defect or imperfection shall be amended by any judge; such amendment may be made on application of the assignee or of any creditor of the assignor on such notice being given to other parties concerned as the judge shall think reasonable; and the amendment when made shall have relation back to the date of the assignment, but so as not to prejudice the rights of innocent purchasers.

Notice of assignment to be published

11. No assignment made for the general benefit of creditors under this Act shall be within the operation of *The Bills of Sale Ordinance*, but a notice of the assignment shall as soon as conveniently possible be published at least once in *The Alberta Gazette* and not less than twice in at least one newspaper having a general circulation in the judicial district in which the property assigned is situate.

12. A duplicate original or copy of every such assignment shall also within ten days from the execution thereof be registered (together with an affidavit of a witness thereto of the due execution of such duplicate original or of the assignment of which the copy filed purports to be a copy) in the office of the clerk of the registration district for mortgages and other transfers of personal property, where the assignor if a resident in Alberta resides at the time of the execution thereof, or if he is not a resident then in the office of the clerk of the said registration district where the personal property so assigned is or where the principal part thereof (in case the assignment includes property in more registration districts than one) is at the time of the execution of such assignment; and such clerks shall file all such instruments presented to them respectively for that purpose, and shall endorse thereon the time of receiving the same in their respective offices and the same shall be kept there for the inspection of all persons interested therein. The said clerks respectively shall number and enter such assignments and be entitled to the same fees for services in the same manner as if such assignments had been registered under *The Bills of Sale Ordinance*.

Assignment to be registered

(2) A duplicate original or copy certified by the clerk of the court shall within fifteen days also be filed in the land titles office for the land registration district in which any land vested by this Act in the assignee is situated.

13. If the said notice is not published in the regular number of *The Alberta Gazette*, and in such newspaper as aforesaid within ten days from the execution of the assignment by the assignor or if the assignment is not registered as aforesaid within ten days from the execution thereof the assignor shall be liable to a penalty of twenty-five dollars for each and every day that shall pass after the issue of the number of the newspaper in which the notice should have appeared until the same shall have been published; and a like penalty for each and every day which shall pass after the expiration of ten days from the execution of the assignment by the assignor until same shall have been registered.

Penalty for neglecting publication or registration

(a) The assignee shall be subject to a like penalty for any such delay for each and every day which shall pass after the expiration of ten days from the delivery of assignment to him or of ten days after his assent thereto. The burden of proving the time of such delivery or assent shall be upon the assignee.

(b) Such penalties may be recovered with costs by action in the court having jurisdiction to the amount of any penalty sought to be recovered and one-half of the penalty shall go to the party suing and the other half for the benefit of the estate of the assignor.

(c) In case of an assignment to an official assignee he shall not be liable for any of the penalties imposed in this section unless he has been paid or tendered the cost of advertising and registering the assignment a reasonable time before the time required for so advertising and registering nor shall he be compelled to act under the assignment until his costs in that behalf are paid or tendered to him.

Liability of official assignee

Compelling
publication and
registration

14. In case the assignment is not registered and notice thereof published within the time hereinbefore prescribed an application may be made by any one interested in the assignment to a judge to compel the registration of the assignment and publication of such notice; and the judge shall make his order in that behalf and with or without costs or upon the payment of costs by such person as he may in his discretion direct to pay the same.

Assignment
not invalidated
by omission to
publish, etc.

15. The omission to publish or register as aforesaid or any irregularity in the publication or registration shall not invalidate the assignment.

CREDITORS' ASSIGNEE.

Appointment
of substituted
assignee

16. The court may upon being satisfied that it is for the benefit of the creditors so to do, and upon such notice to the assignee as the court thinks sufficient, remove the assignee and substitute some other person resident in the province for such assignee, and in case an assignee has died a new assignee may in like manner be appointed. 1913 (2nd Session), c. 2, s. 12 (1).

Rights and
duties of the
substituted
assignee

17. Where a new assignee is substituted or appointed as in the last preceding section provided the estate shall forthwith vest in the new assignee without a conveyance or transfer, and he shall register an affidavit of his appointment in the office in which the original assignment was filed; such an affidavit may also be filed under *The Land Titles Act*, and such registration or filing shall have the same effect as the registration of a conveyance or transfer.

MEETINGS OF CREDITORS.

Assignee to
call meeting
of creditors

18. It shall be the duty of the assignee immediately to inform himself by reference to the debtor and his records of account of the names and residences of the debtor's creditors and within five days from the date of assignment to convene a meeting of the creditors for the appointment of inspectors and the giving of directions with reference to the disposal of the estate by mailing prepaid and registered to every creditor known to him a circular calling a meeting of creditors to be held in his office or some other convenient place to be named in the notices not later than twelve days after the mailing of such notice; and he shall also publish such notice by advertisement in *The Alberta Gazette* in the first issue after the expiration of such period of five days.

Meeting of
creditors by
request of
majority
thereof

19. In case of a request in writing signed by a majority of the creditors having claims duly proved of one hundred dollars and upwards computed according to the provisions of the twenty-second section of this Act, it shall be the duty of the assignee within two days after receiving such request to call a meeting of the creditors at a time not later than twelve days after the assignee receives the request. In case of default the assignee shall be

liable to a penalty of twenty-five dollars for every day after the expiration of the time limited for the calling of the meeting until the meeting is called.

20. In case a sufficient number of creditors do not attend the meeting mentioned in the last preceding section, or fail to give directions with reference to the disposal of the estate any judge may give all necessary directions in that behalf. Judge to give directions in case creditors do not attend

21. At any meeting of creditors the creditors may vote in person or by proxy authorized in writing; but no creditor whose vote is disputed shall be entitled to vote until he has filed with the assignee an affidavit in proof of his claim stating the amount and nature thereof. Voting at meeting

22. Subject to the provisions of the sixteenth and twentieth sections hereof all questions discussed at meetings of creditors shall be decided by the majority of votes and for such purpose the votes of creditors shall be calculated as follows: Scale of vote

For every claim of or over one hundred dollars and less than two hundred dollars, one vote;

For every claim of or over two hundred dollars and less than five hundred dollars, two votes;

For every claim of or over five hundred dollars and less than one thousand dollars, three votes;

For every additional one thousand dollars or fraction thereof, one vote.

(a) No person shall be entitled to vote on a claim acquired after the assignment unless the entire claim is acquired, but this shall not apply to persons acquiring notes, bills or other securities upon which they are liable. Upon claims acquired after assignment

(b) In case of a tie the assignee shall have a casting vote. Casting vote

CREDITORS' CLAIMS.

23. Every person claiming to be entitled to rank on the estate assigned shall furnish to the assignee particulars of his claim verified by statutory declaration and such vouchers as the nature of the case admits of. 1911-12, c. 4, s. 20. Proof of claim

24. In case a person claiming to be entitled to rank on the estate assigned does not within a reasonable time after receiving notice of the assignment and of the name and address of the assignee furnish to the assignee satisfactory proofs of his claim as provided by this and the preceding sections of this Act, a judge may upon a summary application by the assignee or by any other person interested in the debtor's estate (of which application at least three days' notice shall be given to the person alleged to have made default in proving a claim as aforesaid), order that unless the claim be proved to the satisfaction of the judge within a time to be limited by the order the person so making default shall no longer be deemed a creditor of the estate assigned and shall be wholly barred of any right to share in the proceeds thereof; and if the claim is not so proved within the time so limited or within such further time as the said judge may by subsequent order allow, the same shall be wholly barred and the Limiting time for proof of claim

assignee shall be at liberty to distribute the proceeds of the estate as if no such claim existed, but without prejudice to the liability of the debtor therefor.

Creditor may
prove claim
not due

25. A person whose claim has not accrued due shall nevertheless be entitled to prove under the assignment and vote at meetings of creditors, but in ascertaining the amount of any such claim a deduction for interest shall be made for the time which has to run until the claim becomes due.

Set-off

26. The law of set-off shall apply to all claims made against the estate and also to all actions instituted by the assignee for the recovery of debts due to the assignor in the same manner and to the same extent as if the assignor were plaintiff or defendant as the case may be.

How claims
are to rank
where different
estates

27. If any assignor or assignors executing an assignment under this Act for the general benefit of his or their creditors owes or owe debts both individually and as a member of different co-partnerships, the claims shall rank first upon the estate by which the debts they represent were contracted and shall only rank upon the other or others after all the creditors of such other estate or estates have been paid in full.

Workmen's
wages not
exceeding
three months
privileged
claims under
assignment
for benefit
of creditors

28. In case of an assignment under this Act the assignee shall pay in priority to the claims of the ordinary or general creditors of the person making the same the wages or salary of all persons in the employ of such person at the time of the making of such assignment or within one month before the making thereof, not exceeding three months' wages or salary, such wages or salary to be for arrears only and not for any unearned portion; and such persons shall be entitled to rank as ordinary or general creditors for the residue, if any, of their claims for arrears of such wages or salary; the provisions of this section shall apply to wages or salary whether the employment in respect of which the same may be payable by the day, week, month or year.

Provisions
applicable to
all wages

When wages
to be payable
on distribution
of estate by
assignee,
administrator,
etc.

(2) The wages in respect of which priority is herein conferred shall become due and be payable by the assignee within one month from the time when the estate which is being wound up or distributed shall have been received by or placed under the control of such assignee unless it shall appear to him that the said estate is not of sufficient value to pay the ordinary expenses and disbursements of winding up and distributing the said estate; but such ordinary expenses shall not include the cost of litigation or other unusual expenses concerning the estate or any part thereof, unless the persons entitled to the said preferential claim for wages shall have consented in writing to such proceedings being taken before they were commenced or shall afterwards have adopted or ratified in writing such proceedings.

Creditors to
value securities

29. Every creditor in his proof of claim shall state whether he holds any security for his claim or any part thereof; and if such security is on the estate of the debtor or on the estate of a third party for whom such debtor is only secondarily liable he shall put a specified value thereon; and the assignee under the authority of the creditors may either consent to the right

of the creditor to rank for the claim after deducting such valuation or he may require from the creditor an assignment of the security at an advance of ten per cent. upon the specified value to be paid out of the estate; and in such case the difference between the value at which the security is retained and the amount of the gross claim of the creditor shall be the amount for which he shall rank and vote in respect of the estate.

30. If a creditor holds a claim based upon negotiable instruments upon which the debtor is only indirectly or secondarily liable and which is not mature or exigible, such creditor shall be considered to hold security within the meaning of the last preceding section, and shall put a value on the liability of the party primarily liable thereon as being his security for the payment thereof; but after the maturity of such liability and its nonpayment he shall be entitled to amend and revalue his claim.

Right to
revalue in
certain cases

31. In case a person claiming to be entitled to rank on the estate assigned holds security for his claim or any part thereof of such nature that he is required by this Act to value the same and he fails to value such security a judge may upon summary application by the assignee or by any other person interested in the debtor's estate of which application three days' notice shall be given to such claimant order that unless a specified value shall be placed on such security and notified in writing to the assignee within a time to be limited by the order such claimant shall in respect of the claim or the part thereof for which the security is held in case the security is held for part only of the claim be wholly barred of any right to share in the proceeds of such estate; and if a specified value is not placed on such security and notified in writing to the assignee according to the exigency of the said order or within such further time as the said judge may by subsequent order allow the said claim or the said part as the case may be shall be wholly barred as against such estate but without prejudice to the liability of the debtor therefor.

When creditor
holding security
fails to value
the same

32. At any time after the assignee receives from any person claiming to be entitled to rank on the estate proof of his claim, notice of the contestation of the claim, or of any part thereof, may be served by the assignee upon the claimant; within thirty days after the receipt of the notice, or such further time as a judge may on application allow, the claimant shall apply for and may if a judge sees fit obtain an originating summons to decide the validity of such claim under the practice regarding originating proceedings set forth in *The Judicature Ordinance* or of any Act hereafter passed or Rules of Court hereafter promulgated by competent authority in substitution for or amendment of *The Judicature Ordinance* or of the Rules of Court therein contained, and such summons shall be served on the assignee; and in default of such summons being served within the time aforesaid the claim or such part thereof as has been so contested shall be forever barred.

Contestation
of claim

(a) The notice by the assignee shall contain the name and place of business of a solicitor upon whom service of the summons may be made; and service upon such solicitor shall be deemed sufficient service of the summons.

Service of
process on
solicitors

Procedure where assignee is satisfied with proof of claim and debtor desires to dispute same

33. In case the assignee is satisfied with the proof adduced in support of a claim he shall notify the debtor of his decision with regard thereto within a reasonable time after coming to such decision, and if the debtor desires to dispute the claim or any part thereof, he shall notify the assignee in writing stating his grounds of dispute; and such notice shall be given within ten days of such debtor being notified in writing by the assignee that he is satisfied with the proof adduced as aforesaid and not afterwards unless by special leave of a judge.

(a) If upon receiving such notice of dispute the assignee does not deem it proper to require the claimant to take proceedings to establish his claim he shall notify the debtor in writing of this fact and the debtor may thereupon and within ten days of his receiving such notice apply to a judge for an order requiring the assignee to serve a notice of contestation; the judge shall only make such order if after notice to the assignee the judge is of the opinion that there are good grounds for contesting the claim; in case the debtor does not make an application as aforesaid, the decision of the assignee shall as against him be final and conclusive.

(b) If proceedings are brought by the claimant against the assignee the debtor may intervene either personally or by counsel for the purpose of contesting the claim.

DIVIDENDS.

Dividends when to be paid

34. As large a dividend as can with safety be paid shall be paid by every assignee under this Act within six months from the date of any assignment made hereunder and earlier if required by the inspectors; and thereafter a further dividend shall be paid every six months and more frequently if required by the inspectors, until the estate is wound up and disposed of.

Notice of dividend sheet

35. So soon as a dividend sheet is prepared, notice thereof shall be given by letter posted to each creditor enclosing an abstract of receipts and disbursements, showing what interest has been received by the assignee for moneys in his hands, together with a copy of the dividend sheet noting thereon the claims objected to, and stating whether any reservation has or has not been made therefor; and after expiry of eight days from the day of mailing such notice, abstract and dividend sheet as aforesaid, dividends on all claims not objected to within that period shall be paid.

ADMINISTRATION OF ESTATE.

Assets not to be removed out of the province, and moneys to be deposited in a bank

36. No property or assets of an estate assigned under the provisions of this Act shall be removed out of the province without the order of a judge; and the proceeds of the sale of any such property or assets and all moneys received on account of any estate shall be deposited by the assignee in one of the incorporated banks within this province, and shall not be withdrawn or removed without the order of a judge except in payment of dividends and other charges incidental to the winding up of the estate, which shall include rent, wages, mortgages, secured and preferred and partly secured and preferred claims.

(a) Any assignee or other person acting in his stead or on his behalf violating the provisions of this section shall be liable to a penalty of five hundred dollars, which may be recovered summarily with costs before the court, and one-half of the said penalty shall go to the person suing therefor and the other half shall belong to the said estate; but in default of payment of the said penalty and all costs which may be incurred in any action or proceeding for the recovery thereof, such assignee or other person may be imprisoned for any period not exceeding thirty days, and shall be disqualified from acting as assignee of any estate while such default continues. Penalty

37. Upon the expiration of one month from the first meeting of creditors, or as soon as may be after the expiration of such period, and afterwards from time to time at intervals of not more than three months, the assignee shall prepare and keep constantly accessible to the creditors accounts and statements of his doings as such assignee and of the position of the estate. Accounts to be kept accessible

FRAUDULENT OR PREFERENTIAL TRANSFERS.

38. In case any person, being at the time in insolvent circumstances, or unable to pay his debts in full, or knowing himself to be on the eve of insolvency, voluntarily or by collusion with a creditor or creditors, gives a confession of judgment, *cognovit actionem* or warrant of attorney to confess judgment with intent, in giving such confession, *cognovit actionem* or warrant of attorney to confess judgment, to defeat or delay his creditors wholly or in part or with intent thereby to give one or more of the creditors of any such person a preference over his other creditors, or over any one or more of such creditors, every such confession, *cognovit actionem* or warrant of attorney to confess judgment, shall be deemed and taken to be null and void as against the creditors of the party giving the same, and shall be invalid and ineffectual to support any judgment or writ of execution. Confessions or warrants to confess judgment given by insolvents to defeat or delay creditors or to give one preference over the other to be void

39. Subject to the provisions of the forty-fifth, forty-sixth, forty-seventh and forty-eighth sections of this Act every gift, conveyance, assignment or transfer, delivery over or payment of goods, chattels or effects or of bills, bonds, notes or securities or of shares, dividends, premiums or bonus in any bank, company or corporation or of any other property real or personal made by a person at a time when he is in insolvent circumstances or is unable to pay his debts in full or knows that he is on the eve of insolvency with intent to defeat, hinder, delay or prejudice his creditors or any one or more of them, shall as against the creditor or creditors injured, delayed or prejudiced, be utterly void. Gifts, transfers, etc., made by insolvents which defeat or prejudice creditors to be void

40. Subject to the provisions of the forty-fifth, forty-sixth, forty-seventh and forty-eighth sections of this Act every gift, conveyance, assignment or transfer, delivery over or payment of goods, chattels or effects or of bills, bonds, notes or securities or of shares, dividends, premiums or bonus in any bank, company or corporation or of any other property real or personal made by a person at a time when he is in insolvent circumstances Transfers with intent to prefer creditors

or is unable to pay his debts in full or knows that he is on the eve of insolvency to or for a creditor with intent to give such creditor preference over his other creditors or over any one or more of them, shall, as against the creditor or creditors injured, delayed, prejudiced or postponed, be utterly void.

Transfers
having effect
of preference
void if attacked
within
sixty days

41. Subject to the provisions of the forty-fifth, forty-sixth, forty-seventh and forty-eight sections of this Act every gift, conveyance, assignment or transfer, delivery over or payment of goods, chattels or effects or of bills, bonds, notes or securities or of shares, dividends, premiums or bonus in any bank, company or corporation or of any other property real or personal, made to or for a creditor by a person at any time when he is in insolvent circumstances, or is unable to pay his debts in full, or knows that he is on the eve of insolvency, and which has the effect of giving such creditor a preference over the other creditors of the debtor, or over any one or more of them, shall, in and with respect to any action or proceeding which within sixty days thereafter is brought, had or taken to impeach or set aside such transaction, be utterly void as against the creditor or creditors injured, delayed, prejudiced or postponed.

Or if
assignment
made within
sixty days

42. Subject to the provisions of the forty-fifth, forty-sixth, forty-seventh and forty-eight sections of this Act every gift, conveyance, assignment or transfer, delivery over or payment of goods, chattels or effects or of bills, bonds, notes or securities or shares, dividends, premiums, or bonus in any bank, company or corporation or of any other property real or personal made to or for a creditor by a person at any time when he is in insolvent circumstances or is unable to pay his debts in full, or knows that he is on the eve of insolvency, and which has the effect of giving such creditor a preference over the other creditors of the debtor or over one or more of them, shall, if the debtor within sixty days after the transaction makes an assignment for the benefit of his creditors whether such assignment is or is not void under the provisions of this Act be utterly void as against the assignee or any creditor authorized to take proceedings to avoid the same under the forty-ninth section hereof. 1909, c. 4, s. 14.

What
transactions
to be deemed
preferential

43. A transaction shall be deemed to be one which has the effect of giving a creditor a preference over other creditors within the meaning of the two last preceding sections if by such transaction a creditor is given or realizes or is placed in a position to realize payment, satisfaction or security for the debtor's indebtedness to him or a portion thereof greater proportionately than could be realized by or for the unsecured creditors generally of such debtor or for the unsecured portion of his liabilities out of the assets of the debtor left available and subject to judgment, execution, attachment or other process; and such effect shall not be deemed dependent upon the intent or motive of the debtor or upon the transaction being entered into voluntarily or under pressure; and no pressure by a creditor or want of notice to the creditor alleged to have been so preferred of the debtor's circumstances, inability or knowledge as aforesaid or of the effect of the transaction shall avail to protect the transaction except as provided by the forty-fifth and forty-eighth sections hereof,

Intent
or motive
immaterial

Pressure
or want of
knowledge
on part of
creditor not
to save the
transaction

but independent entirely of the intent with which the transaction was entered into the preferential effect or result of the transaction impeached shall govern.

44. When the word "creditor" or "creditors" occurs in any of the four last preceding sections, such word shall be deemed to include any surety and the endorser of any promissory note or bill of exchange who would upon payment by him of the debt, promissory note or bill of exchange in respect of which such suretyship was entered into or such endorsement was given, become a creditor of the person giving the preference within the meaning of said sections, and such word shall include a *cestui que trust* or other person to whom the liability is equitable only.

"Creditor" for certain purposes to include surety and endorser

45. Nothing in the last six preceding sections shall apply to any assignment made to an official assignee or with the consent of a majority of the creditors having claims of one hundred dollars and upwards, computed according to the provisions of the twenty-second section of this Act to any other person resident within the province for the purpose in each of the said cases of paying rateably and proportionately and without preference or priority all the creditors of the debtor their just debts; nor to any *bona fide* sale or payment made in the ordinary course of trade or calling to innocent purchasers or parties; nor to any payment of money to a creditor nor to any *bona fide* conveyance, assignment, transfer or delivery over of any goods, securities or property of any kind as above mentioned which is made in consideration of any present actual *bona fide* payment in money or by way of security for any present actual *bona fide* advance of money or which is made in consideration of any present actual *bona fide* sale or delivery of goods or other property:

Assignments for benefit of creditors and *bona fide* sales, etc., protected

Provided that the money paid or the goods or other property sold or delivered bear a fair and reasonable relative value to the consideration thereof.

Proviso

46. In case of a valid sale of goods, securities or property and payment or transfer of the consideration or part thereof by the purchaser to a creditor of the vendor under circumstances which would render void such a payment or transfer by the debtor personally and directly, the payment or transfer even though valid as respects the purchaser shall be void as respects the creditor to whom the same is made.

Transfer to creditor of consideration for sale invalid

47. In case a payment has been made which is void under this Act and any valuable security was given up in consideration of the payment, the creditor shall be entitled to have the security restored or its value made good to him before or as a condition of the return of the payment.

Security given up upon void payment to be returned

48. Nothing herein contained shall affect the priority of a claim for wages or salary under the twenty-eighth section of this Act, or shall prevent a debtor providing for payment of wages or salary due by him in accordance with the provisions of the said section; nor shall anything herein contained affect any payment of money to a creditor where such creditor by reason or on account of such payment has lost or been deprived

Payment of wages protected
Exchange of securities protected

Certain
assignments
to be valid

of, or has in good faith given up any valid security which he held for the payment of the debt so paid unless the value of the security is restored to the creditor nor the substitution in good faith of one security for another security for the same debt so far as the debtor's estate is not thereby lessened in value to the other creditors; nor shall anything herein contained invalidate a security given to a creditor for a pre-existing debt where by reason or on account of the giving of the security an advance in money is made to the debtor by the creditor in the *bona fide* belief that the advance will enable the debtor to continue his trade or business and pay his debts in full.

Rights of
action of
assignee

49. Except as is hereinafter otherwise provided the assignee shall have an exclusive right of suing for the rescission of agreements, deeds and instruments or other transactions made or entered into in fraud of creditors or made or entered into in violation of this Act.

Creditor
may proceed
in certain
cases if
assignee
refuses

(a) If at any time a creditor desires to cause any proceeding to be taken which in his opinion would be for the benefit of the estate, and the assignee under authority of the creditors or inspectors refuses or neglects to take such proceeding after being duly required so to do, the creditor shall have the right to obtain an order of a judge authorizing him to take the proceedings in the name of the assignee but at his own expense and risk, upon such terms and conditions as to indemnity to the assignee as the judge may prescribe; and thereupon any benefit derived from the proceedings shall, to the extent of his claim and full costs, belong exclusively to the creditor instituting the same for his benefit; but if before such order is granted the assignee shall signify to the judge his readiness to institute the proceedings for the benefit of the creditors, the order shall prescribe the time within which he shall do so, and in that case the advantage derived from the proceeding, if instituted within such time, shall belong to the estate.

Creditors suing
for rescission
to void trans-
actions for
benefit of
creditors
generally

50. Where there is no valid assignment for the benefit of creditors, one or more creditors may for the benefit of creditors generally or for the benefit of such creditors as have been injured, delayed, prejudiced or postponed by the impeached transaction, sue for the rescission of or to have declared void agreements, deeds, instruments or other transactions made or entered into in fraud of creditors, or in violation of this Act or thereby declared void; and in case any amendment of the statement of claim be made the same shall relate back to the commencement of the action for the purpose of the time limited by the forty-first section hereof.

Following
proceeds of
property
fraudulently
transferred

51. In the case of a gift, conveyance, assignment or transfer of any property real or personal which in law is invalid against creditors if the person to whom the gift, conveyance, assignment or transfer was made, shall have sold or disposed of, realized or collected the property or any part thereof, the money or other proceeds or the amount thereof, whether further disposed of or not, may be seized or recovered in any action by a person who would be entitled to seize and recover the property if it had remained in the possession or control of the debtor or of

the person to whom the gift, conveyance, transfer, delivery or payment was made and such right to seize and recover shall belong not only to an assignee for the general benefit of the creditors of the said debtor, but in case there is no such assignment shall exist in favour of all creditors of such debtor.

(a) Where there has been no valid assignment for the benefit of creditors and the proceeds are of a character to be seizable under execution, they may be seized under the execution of any creditor, and shall be distributable amongst creditors under *The Creditors' Relief Ordinance*. Taking proceeds under execution

(b) Where there has been no valid assignment for the benefit of creditors, and whether the proceeds realized as aforesaid are or are not of a character to be seized under execution, an action may be brought therefor, or to recover the amount thereof by a creditor (whether a judgment creditor or not) on behalf of himself and all other creditors or such other proceedings may be taken as may be necessary to render the said proceeds or the amount thereof available for the general benefit of the credit of the creditors. Creditor suing on behalf of himself and other creditors

(c) This section shall not apply as against innocent purchasers of any such property. Protection of innocent purchasers

EXAMINATION OF ASSIGNORS AND OTHERS.

52. Where there has been an assignment for the benefit of creditors, the assignee upon resolution passed by a majority vote of the creditors present, or represented at a meeting of the creditors of the assignor, regularly called, or upon the written request or resolution of the majority of the inspectors of the estate may without an order examine the assignor or any person who is or has been an agent, clerk, servant, officer or employee of any kind of the assignor upon oath before any person authorized to hold examination for discovery under *The Judicature Ordinance* or of any Act hereafter passed or Rules of Court hereafter promulgated by competent authority in substitution for or amendment of *The Judicature Ordinance* or of the Rules of Court therein contained, or appointed for the purpose by a judge touching the estate and effects of the assignor, and as to the property and means he had when the earliest of the debts or liabilities of the assignor existing at the date of the assignment was incurred, and as to the property and means he still has of discharging his debts and liabilities and as to the disposal he has made of any property since contracting such debt or incurring such liability, and as to any and what debts are owing to him. Examination of assignor or employees

53. The rules and procedure from time to time in force in the court for the examination of judgment debtors shall, as far as may be, apply to an examination under this Act of an assignor in all respects as if the assignor were a judgment debtor. Procedure upon examination of an assignor

54. In case such assignor does not attend as required by any appointment or appointment and order, as the case may be, served on him, and does not allege a sufficient excuse for not attending, or if attending refuses to disclose his property or his transactions respecting the same, or does not make satis- When assignor does not attend or refuses to answer questions

factory answers respecting the same, or if it appears from such examination of the assignor that such assignor has concealed or made away with any part of his property in order to defeat or defraud his creditors or any of them, any judge may on summary proceedings before him order the assignor to be committed to gaol for any term not exceeding twelve months.

Service of
appointment

55. Any person liable to be examined under the fifty-second section of this Act may be served with an appointment signed by the examiner mentioned in the fifty-second section of this Act or a copy thereof, and where the examination is to take place under an order, also with a copy of the order; such service to be made at least forty-eight hours before the time appointed for the examination, and the person to be examined is to be paid the same fees as a witness.

Conduct of
examination

56. The examination under the fifty-second section of this Act shall be conducted in the same manner as in the case of an oral examination of an opposite party in a suit or action.

Compelling
attendance
and production
of books

57. Any person liable to be examined under the fifty-second section hereof may be compelled to attend and testify and to produce books and documents in the same manner and subject to the same rules of examination and the same consequences of neglecting to attend or refusing to disclose the matters in respect of which he may be examined as in the case of a witness in an action in the court.

Calling upon
persons having
information
as to assignor's
affairs to
give evidence
and produce
documents,
etc.

58. In case any person has or is believed or suspected to have in his possession or power any of the assignor's property or any book, document or paper of any kind relating in whole or in part to the assignor, his dealings or property, such person may upon resolution passed by a majority vote of the creditors present or represented at a regularly called meeting of the creditors of the assignor (exclusive of such person if he is a creditor) or upon the written request or resolution of the majority of the inspectors of the estate be required by the assignee to produce such books, documents or papers for the information of such assignee or to deliver over to him any such property of the debtor.

Examination of
person failing
to produce
documents
or to deliver
property

(a) In case such person fails to produce the said book, document or other paper, or to deliver over such property within four days of his being served with a copy of the said resolution and a request of the assignee in that behalf, or in case the assignee or the majority of the inspectors is not satisfied that full production or delivery has been made, the assignee may without an order examine the said person before any of the officers mentioned in the fifty-second section of this Act, touching any such property or document or other paper which he is supposed to have received.

Enforcing
attendance
and production

(b) Any such person may be compelled to attend and testify and to produce upon his examination any book, document or other paper which under this section he is liable to produce in the same manner and subject to the same rules of examination and the same consequences of neglecting to attend or refusing to disclose the matters in respect of which he may be examined as in the case of a witness in an action in the court.

REMUNERATION OF ASSIGNEE AND INSPECTORS.

59. The assignee shall receive such remuneration as shall be voted to him by the creditors at any meeting called for the purpose after the first dividend sheet has been prepared, or by the inspectors in case of the creditors failing to provide therefor subject to the review of a judge if complained of by the assignee or any of the creditors. Remuneration of assignee

60. In case the remuneration of the assignee has not been fixed under the last preceding section before the final dividend, the assignee may insert in the final dividend sheet and retain as his remuneration a sum not exceeding five per cent. of the cash receipts, subject to review by a judge, as hereinbefore provided; but no application by the assignee to review the said allowance shall be entertained unless previous to the preparation of the final dividend sheet the question of his remuneration has been brought before a meeting of creditors competent to decide the same. Where remuneration not fixed before the final dividend

61. The assignee may pay or allow to each inspector appointed under this Act a reasonable charge or sum for the due performance of his duties as such inspector, but no such payment or allowance to an inspector in any estate shall exceed the sum of twenty-five dollars. Remuneration of inspectors

GENERAL.

62. Any affidavit authorized or required under this Act may be sworn before any person authorized to administer oaths. Affidavits

63. In this Act unless the context otherwise indicates:

1. The expression "court" means the Supreme Court of Alberta in all cases except those in which the property assigned is of the value of \$400 or less, in which case "court" means the District Court of the district in which the assignment is made.

2. The expression "judge" means a judge of such court or of such District Court respectively.

64. This Act shall not apply to any assignment executed before this Act comes into force or to any proceedings thereunder; nor shall the repeal mentioned in the following section affect any act done or any right or right of action existing, accruing or accrued or any action or proceeding commenced in a civil cause before such repeal takes effect, but such rights may be enforced and such action or proceeding continued as though this Act had not been passed. Act not to apply to assignments prior to Act
Nor to actions commenced

65. Chapter 42 of *The Consolidated Ordinances* 1898, and chapter 11 of the Ordinances of 1900 are hereby repealed. Repeal

1907

CHAPTER 7.

An Act respecting Insane Persons.

(Assented to March 15, 1907.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Short title

1. This Act may be cited as "*The Insanity Act.*"

Information and warrant

2. When an information which may be in the form A in the schedule to this Act is laid before a justice of the peace that any person is or is suspected and believed by the person laying such information to be insane and dangerous to be at large, such justice may issue his warrant in form B in the schedule to this Act to apprehend such person and cause him to be brought before him or some other justice of the peace.

Evidence

3. Upon the person charged as aforesaid being brought before such justice the said justice shall proceed to hear such evidence under oath as may be adduced with reference—

As to insanity

(a) To the alleged insanity of the person so brought before him, including the evidence of a duly qualified medical practitioner;

(b) To the danger to be apprehended from his being at large;

Previous residence

(c) To his residence for at least six months previous to the inquiry;

Calling
Means of support
Friends and relatives
Married or single
Other facts

(d) To his calling or profession;

(e) To his means of support;

(f) To his friends and relatives;

(g) To the fact of his being married or single;

(h) To such other facts as may be deemed necessary to obtain the information to be embodied in the report of such justice as hereinafter required to be made to the Attorney General.

Adjournment of inquiry

(2) Such justice may from time to time adjourn the inquiry and upon such adjournment the person charged as aforesaid may by warrant in form C in the schedule to this Act be remanded to gaol or other safe custody until proper inquiry is made as herein directed; but in no case shall such adjournment be made for more than three days.

Committal

4. If upon hearing the evidence adduced the justice is satisfied that the person so brought before him is insane and dangerous to be at large such justice shall commit him by warrant in form D in the schedule to this Act to the nearest gaol (or if in the opinion of the said justice of the peace such person should not

be committed to the common gaol then to the custody of any relative or friend of such person or to other safe custody) there to await the order of the Attorney General for removal to an asylum in this or some other province of Canada, or until discharged by law; and shall forthwith make a report of the case in form E in the schedule hereto, and shall transmit such report accompanied by the information, copy of warrant of commitment and evidence taken to the Attorney General, who shall have power if he sees fit to order further inquiries to be made.

5. In case it shall appear to such justice upon such inquiry that such person is not insane or is not dangerous to be at large, then such justice shall forthwith discharge such person from custody and report the proceedings in the manner hereinbefore provided to the Attorney General. If not so satisfied shall discharge

6. If the justice is satisfied that the person so apprehended as aforesaid is insane and dangerous to be at large, it shall also be the duty of such justice to make inquiry whether such person is possessed of any and what property and where the same is situated, and also as to the number of persons if any who are dependent for support upon such person, and to elicit as far as such justice may be able information as to all other matters mentioned in form E in the schedule to this Act so that it may be ascertained whether such person should be sustained as an insane pauper or not. Inquiry as to property, etc.

7. The justice acting under the provisions of this Act shall have the like authority for compelling the attendance of witnesses as such justice would have under any law in force respecting summary convictions, and he or they shall be entitled to such fees as may be fixed by the Lieutenant Governor in Council. Power to summon witnesses

8. The Attorney General may by his warrant in form F in the schedule to this Act at any time order and direct the removal to an asylum of any person committed to gaol or other safe custody under section 4 hereof, and such order shall be sufficient authority for such removal and admission of such person to an asylum. Attorney General may order removal to asylum

(2) The Attorney General may at any time order the release of a person so confined in an asylum, or in any gaol, guard room or other place of confinement, either on trial, temporarily or permanently, or in the event of the insane person being subject to deportation under any law of the Parliament of Canada, the Attorney General may order that such person be handed over to any immigration officer, or to such other person as he shall think proper for deportation. 1910 (2nd Session), c. 2, s. 16.

9. Except as hereinafter provided such warrant shall be directed to any constable or peace officer and shall be his sufficient authority for such removal and for the admission of such person to the asylum named in such order. Warrant to be directed to constable or peace officer

10. If upon the committal of any person under section 4 of this Act any relative or friend of such person believes the committal to have been unwarranted and not justified by the Appeal to judge

evidence given before the magistrate, such relative or friend may on notice to the Attorney General before the warrant for the removal of such person to the asylum is issued, apply within four days after such committal to a judge of the Supreme Court of Alberta for the discharge from custody of such person on the ground that such person is not insane or though insane is not dangerous to be at large.

Examination
by judge

(2) The judge upon the application shall forthwith examine the person committed as insane and the evidence and other papers relating to such committal and may hear further evidence and may if satisfied that such person is not insane or though insane is not dangerous to be at large grant a certificate in form G in the schedule to this Act, a copy of which is to be furnished to the Attorney General, or dismiss the application as the case may be and such certificate if granted shall be sufficient authority for the discharge of such person from custody.

Costs

(3) The costs of such application shall be borne in any event by the person making the application.

If less
expensive to
make inquiries
in locality to
which person
belongs justice
to so certify

11. If in the opinion of the justice before whom the information is laid as provided in section 2 of this Act it will be much less expensive to make the inquiries herein directed to be made in the locality to which the person belongs, or in case he may find that any person whom it is necessary to examine in order to obtain the information desired lives at a considerable distance, the justice may in lieu of making said inquiries certify such fact or facts and such justice shall in such cases be excused from making such inquiries.

Relative or
friend may
make removal

12. If any relative or friend of a patient ordered to be removed to an asylum desires to perform the duty of taking him to such asylum and is competent to do so the warrant for such removal may be directed to and executed by such relative or friend instead of by a constable or peace officer.

Female
patients how
accompanied
to the asylum

13. When a female patient is being conveyed to an asylum unless she is accompanied by her father, mother, brother, sister or husband she must be placed in charge of and accompanied by a female.

Insane
person in gaol
Attorney
General may
cause inquiries
to be made

14. When any person who may be confined in any gaol under conviction for an offence is adjudged by a duly qualified medical practitioner to be insane the Attorney General shall as soon as conveniently may be cause to be made in respect to such person by a justice of the peace inquiries similar to those hereinbefore directed to be made and such justice shall thereafter proceed as in other cases hereinbefore provided.

Expense first
to be paid by
Department of
the Provincial
Secretary

15. All expense in connection with the apprehension, examination, committal to gaol or other safe custody, medical examination and removal to an asylum shall be paid in the first instance by the department of the Provincial Secretary. 1910 (2nd Session), c. 2, s. 16.

Estate of
lunatic to
bear expenses

16. When any person is committed for safe custody to any gaol or asylum under the provisions of this Act on account of

being insane, all the expenses incurred in connection with the apprehension, examination, committal to gaol, medical examination, custody, transportation, care and maintenance of said person unless the same has been otherwise provided by relatives or friends shall be borne by the said insane person if on inquiry it has been found that the said insane person is possessed of sufficient means to pay for his care and maintenance in such gaol or asylum or being without such means that he has relatives or other persons belonging to or connected with him legally liable to provide and capable of providing for his care or maintenance, and the Government of Alberta shall be entitled to recover the said expenses from and out of the estate of the said insane person or from the person or persons legally liable to provide for his care and maintenance as aforesaid.

(2) In case there be no guardian of the estate of any person committed as insane under the provisions of this Act, the Attorney General of Alberta shall by virtue of this Act be *ex officio* the guardian of the estate of such insane person, and the said Attorney General may, if he see fit to do so, delegate the guardianship of the estate of such insane person to a trust company approved by the Lieutenant Governor in Council under *The Trust Companies Ordinance*, whereupon the said trust company shall be the guardian of the estate of such insane person, but nothing herein contained shall prevent the Supreme Court or a District Court appointing another guardian of the estate of such insane person if such court shall consider it expedient so to do, and upon such other guardian being so appointed the said Attorney General (or trust company, as the case may be) shall, while such other guardian exercises such office, cease to be the guardian of the estate of such insane persons, but in the event of any such other guardian being so appointed the said Attorney General may, if he shall see fit, retain (or, where a trust company is guardian of any such estate under the provisions hereof, may require such trust company to retain and transmit to him) out of the estate of such insane person so much as may be required to pay any sums due to the Government of Alberta in respect of such insane person. 1909, c. 4, s. 15; 1913 (1st Session) c. 9, s. 15.

(3) When the Attorney General is satisfied that the personal estate and the rents, profits and income of the real estate of an insane person are insufficient for his maintenance or that of his family, or for the proper education of his children or when for any other cause it shall appear desirable so to do, upon instructions of the Attorney General, any trust company to which a delegation of the guardianship of the estate of an insane person has been made under this section, without applying to or petitioning the court for a declaration of lunacy, or for an order touching the sale, mortgage or other disposition of any real estate of such insane person, shall have full power and authority to sell, mortgage, or otherwise dispose of the said real estate or any portion thereof, and to execute the necessary transfers, deeds, conveyances, agreements or mortgages, and to accept mortgages as security for the purchase money or any part thereof without applying to or petitioning the court. 1913 (2nd Session), c. 2, s. 13.

(4) Such deeds, transfers, conveyances, agreements or mortgages, when the approval of the Attorney General has been endorsed thereon shall be registered by the registrar of the land

registration district in which the lands therein described are situated. 1913 (2nd Session), c. 2, s. 13.

(4a) Upon an insane person being discharged or released or handed over to any immigration officer or other person for deportation under the provisions of this Act, the Attorney General (or trust company, as the case may be) shall cease to be the guardian of the estate of such insane person, but the Attorney General may, if he shall see fit, retain (or where a trust company is guardian of any such estate under the provisions hereof, may require such trust company to retain and transmit to him) out of the estate of such insane person so much as may be required to pay any sums due to the Government of Alberta in respect of such insane person. 1910 (2nd Session), c. 2, s. 16; 1911-12, c. 4, s. 21 (1); 1913, c. 9, s. 15.

(5) In case the Attorney General does not delegate the guardianship of the estate of an insane person, he shall have all the powers and authorities in reference to the real and personal estate of an alleged lunatic as are hereby vested in a trust company. 1913 (2nd Session), c. 2, s. 13.

Government
may sue for
expenses

17. The said expenses shall be recoverable at the suit of the Government of Alberta in any court of competent jurisdiction:

Provided that the said Government of Alberta shall not be bound to demand or sue for such expenses if for any reason it be deemed inadvisable to do so and may otherwise make such arrangement as may be thought proper for the payment of said expenses or a portion thereof out of the said estate if any, or by the person or persons legally liable or may abandon all claim against said estate or against the person or persons heretofore mentioned.

Maintenance
of indigent
lunatic

18. When an indigent person is committed to an asylum and is not possessed of sufficient means or the relatives of such person are incapable of providing the same the cost of his maintenance and other expenses shall be defrayed by the province.

Justice to make
inquiries upon
request of the
Attorney
General

19. Any justice of the peace, upon request of the Attorney General, as soon as convenient, shall cause to be made such of the inquiries directed to be made by the sixth section of this Act as have not been previously fully made; and he shall cause the necessary witnesses to be summoned; but should the said justice find that the expense of making such inquiries will be too great, then the inquiries aforesaid need not be made.

Indians not
admitted unless
expenses
guaranteed

20. Treaty Indians shall not be removed to an asylum unless the expense of their maintenance and other charges are guaranteed by the superintendent general of Indian affairs.

Persons having
property liable
for maintenance

21. Any person who is now or shall be hereafter confined in any asylum for the insane and who has at the time he is placed in confinement or who shall subsequently thereto come into the possession of property shall be liable for his maintenance while in such asylum, and any person whose wife may be confined in any asylum for the insane shall be liable for her maintenance while confined therein.

Husband liable
for wife

22. Until provision is made for the care and maintenance within this province of insane patients such patients shall be sent to some asylum for the insane in the Province of Manitoba or in some other province and for that purpose the Lieutenant Governor in Council may make such arrangements with the government of such province to receive and care for and maintain insane patients from this province in any of the asylums of such province as shall be deemed best, and such patients shall be subject to all regulations governing the care and maintenance of patients in such asylum.

Arrangement with Manitoba pending erection of provincial asylums

23. Every person in custody by virtue of this statute, or by authority of the Lieutenant Governor, in any asylum for the insane in the Province of Manitoba or elsewhere, shall remain subject to the custody of the officers and other persons in charge of such asylum or proper place to which such person may be removed, or in which he may be in custody by virtue of any like order or authority, until discharged under the provisions of this Act.

Persons in custody shall remain in asylum until discharged under this Act

23a. Every person who has been detained as insane shall, as soon as in the opinion of the superintendent of the asylum in which he or she has been confined, such person has been restored to reason and is competent to act for himself or herself be forthwith discharged; in case the discharged person be in indigent circumstances such person may be furnished with necessary clothing and with an amount of money sufficient for sustenance and travelling expenses to his or her home, but in no case shall the amount of money furnished exceed the sum of \$20.00. 1911-12, c. 4, s. 21 (2).

24. If a patient be removed on trial from an asylum by his friends with the consent of the superintendent thereof, then in case within six months from such temporary discharge such person should again become dangerous to be at large it shall be lawful for the Attorney General by his warrant in or to the effect of form H in the schedule hereto directed to any person or persons or to all constables or peace officers of the province to authorize and direct that such insane person be apprehended and taken back to the asylum from which he was discharged on trial or to any other asylum within or without the province; and such warrant shall be sufficient authority to anyone acting thereunder to apprehend the person named therein and to take him to any such asylum without any further or other proceedings.

Persons becoming unfit to be at large after temporary discharge

25. Any person who before the passing of this Act has laid an information charging any person with insanity or who acting as a justice of the peace has committed any person to gaol or to the custody of his friends upon the ground of insanity or who has signed or carried out or done any act with a view to sign or carry out an order purporting to be an order for the removal of a patient to an asylum and any person who after the passing of this Act lays such information, makes such commitment or signs or carries out or does anything with a view to sign or carry out an order purporting to be an order for the removal of a person to an insane asylum, shall not be liable to any civil proceedings

Protection to persons carrying out provisions of Act

therefor whether on the ground of want of jurisdiction or any other ground if such person has acted in good faith and with reasonable care.

Staying
vexatious
proceedings

26. If any proceedings are taken against any person for laying such an information or making such a commitment or signing or carrying out or doing any act with a view to sign or carry out, any such order or for doing anything in pursuance of this Act, such proceedings may upon summary application to a judge of the Supreme Court of Alberta, be stayed upon such terms as to costs and otherwise as the judge may think fit if the judge is satisfied that there is no reasonable ground for alleging want of good faith or of reasonable care.

Temporary use
of buildings

27. The Lieutenant Governor in Council may from time to time authorize the temporary use of any building or buildings as an asylum for the insane and the removal of patients thereto; and upon the issue of a proclamation to that effect such buildings shall for the time being be and be used as an asylum for the insane.

Lieutenant
Governor
in Council
may make
regulations
governing
provincial
asylums

28. Upon the establishment of an asylum for the insane in the Province of Alberta, the Lieutenant Governor in Council may make rules and regulations for the management and internal economy of the same and the conduct and government of the officers and employees and of the patients confined therein, and also special rules and regulations with reference to those accused or convicted of crime and such rules may be amended, varied or repealed from time to time by the Lieutenant Governor in Council on the report of the Attorney General; and the said rules and regulations and their amendments so long as they remain in force shall be of the same effect as if they had been enacted by the Legislature of Alberta.

Act to apply
to patients
now in asylum

29. The provisions of this Act shall apply to insane patients from this province confined in the asylum of Manitoba at the time of coming into force of this Act.

Repeal

30. Chapter 90 of *The Consolidated Ordinances*, 1898 and chapter 24 of the Ordinances of 1899 are hereby repealed, but notwithstanding such repeal all rules and regulations made thereunder shall remain in force until superceded by rules and regulations made under the authority of this Act.

SCHEDULE.

The following are the forms referred to in this Act:

FORM A.

(Section 2.)

INFORMATION OR COMPLAINT ON OATH.

CANADA,

PROVINCE OF ALBERTA. }

Information
charging
insanity

The information of of
taken upon oath before me, the undersigned, one of His Majesty's justices

of the peace in and for the said Province of Alberta, at.....
 this.....day of.....in the year of our Lord
 one thousand nine hundred and.....who saith that.....
 of the.....within the space of.....last past, to
 wit, on the.....day of.....at the.....
is suspected and believed by this deponent to be insane
 and dangerous to be at large;

And deponent prays for the issue of a warrant of arrest and an inquiry
 with reference to such alleged insanity, according to the form of the Statute
 in such cases made and provided.

Taken and sworn before me the day and year first and at the place above
 mentioned.

J.P.

FORM B.

(Section 2.)

WARRANT TO APPREHEND.

CANADA,
 PROVINCE OF ALBERTA. }

To all or any of the constables or peace officers in the said province: Warrant
to arrest

Whereas information upon oath hath this day been laid before the under-
 signed....., one of His Majesty's justices of the
 peace in and for the said Province of Alberta, that.....
 is insane and dangerous to be at large;

These are, therefore, to command you in His Majesty's name, forthwith
 to apprehend the said.....and bring him before

.....one of His Majesty's justices of the peace
 in and for the said province, in order that inquiry may be made respecting
 the sanity of the said.....and that he may be
 further dealt with according to law.

Given under.....hand and seal this.....day of
in the year of our Lord 19.....at.....

[L.S.]

J.P.

FORM C.

(Subsec. (2) Section 3.)

WARRANT OF COMMITTAL PENDING INQUIRY.

CANADA,
 PROVINCE OF ALBERTA. }

To all or any of the constables or peace officers in the said Province of Warrant of
committal
pending
inquiry
 Alberta, and to the keeper of the common gaol at.....
 Whereas on the.....day of.....last past

information upon oath was laid before.....
 one of His Majesty's justices of the peace in and for the said province that
is insane and dangerous to be at large;

And whereas the hearing of the same is adjourned to the.....
 day of.....instant, at.....o'clock in the.....
 noon, at.....and it is necessary that the said
should in the meantime be kept in safe
 custody;

These are, therefore, to command you or any of you, the said constables
 or peace officers, in His Majesty's name, forthwith to convey the said
to the common gaol at.....and
 there deliver him to the custody of the keeper thereof, together with this
 precept; and I (or we) hereby require you, the said keeper to receive the
 said.....into your custody in the said common
 gaol, and there safely keep him until the.....day of.....
 instant, when you are hereby required to convey and have him, the said
at the time and place to which the said
 hearing is adjourned as aforesaid, before such justice or justices as may then
 be there to make further inquiry respecting his sanity and be further dealt
 with according to law.

Given under.....hand and seal this.....day of
in the year of our Lord 19....., at.....
 J.P. [L.S.]

FORM D.

(Section 4.)

WARRANT OF COMMITTAL PENDING ORDER OF ATTORNEY GENERAL.

CANADA, }
 PROVINCE OF ALBERTA. }

To.....or any of the constables or other peace
 officers in the Province of Alberta, and.....to the Royal North-
 West Mounted Police force at.....(or the keeper of
 the common gaol at.....):

Whereas information was laid before me (or as the case may be) a justice
 of the peace in and for the said province, on the oath of.....
 that A.B. (or as in the information) was insane;

And whereas inquiry has been made by me respecting the sanity of the
 said.....

And whereas I have found and adjudged the said.....
 to be insane;

These are, therefore, to command you or any of you to take the said
and safely convey.....to the Royal
 North-West Mounted Police (or to the keeper of the common gaol) at
and to deliver.....to the police
 aforesaid (or to the said keeper) together with this precept; and I do hereby
 command the said police force (or the keeper of the said gaol)
 to receive the said.....into custody and safely
 keep.....to await the order of the Attorney General or until the
 said.....shall be discharged by law.

Given under my hand and seal this.....day of.....
 A.D. 19....., at.....in the Province of Alberta.
 J.P. [L.S.]

FORM E.

(Sections 4 and 6.)

REPORT.

CANADA, }
 PROVINCE OF ALBERTA. }

Name of gaol,
 or if not
 committed to
 a gaol, state to
 whose custody
 and where held

Sir,19.....
of.....
 alleged to be insane, having been brought here before me and inquiry having
 been made by me in the matter of h.....alleged insanity, having heard
 the evidence adduced I find and adjudge the said.....
 to be insane and dangerous to be at large and commit h.....to the.....
at.....to await the order of the
 Attorney General, and I have the honour to submit, for the consideration
 of the Attorney General under the provisions of *The Insanity Act*, the annexed
 report and the original.....information and evidence in the
 matter.

Your obedient servant,.....
 J.P.

The Attorney General,
 Edmonton, Alberta.

REPORT.

The information here called for may be elicited by the justice of the peace
 from the witnesses at the inquiry and is intended to be supplementary to
 the evidence proving insanity. The evidence of a legally qualified medical
 practitioner must always be taken.

1. Date of inquiry held:
2. Name in full of alleged lunatic:
3. Age.....years.....months;
4. Has he any, and, if so, what property? (and.....)
- (other property.....).
5. Occupation, calling or profession:
6. Other means of support:
7. Religion:
8. Country where born:
9. Time he has resided in the province:
10. (a) Place of residence during the six months previous to this inquiry:
- (b) If an immigrant when did he land in Canada?
- (c) From what village, town or district in what country did he come?
- (d) With whom has he resided the last six months, giving post office address:
- (e) By what line of steamships did he come to Canada?
11. Married, single or widowed:
12. How many persons are dependent upon h.....for support?
13. Number of children, if any:
- (Male.....under 14 years and.....over 14 years).
- (Female.....under 14 years and.....over 14 years).
14. Names and address of parents:
15. Names and addresses of relatives residing nearest to place of residence of alleged lunatic:
16. How such relatives connected?
17. How long has...he been insane?
18. Duration of present attack:
19. Is it the first?
20. How first shown?
21. Supposed causes: (*Here give any information that may aid the medical superintendent of the asylum in the treatment of the case.*)
22. Has...he any delusions, and what are they?
23. Is...he suicidal?
24. Is...he dangerous to others?
25. Has...he ever committed any offence?
26. Has...he been convicted of same?
27. Give particulars:
28. Is...he subject to epilepsy?
29. Is...he subject to paralysis?
30. Is...he suffering from any infectious disease?
31. Has any other member of the family shown signs of insanity?
32. Has...he ever been in an asylum for the insane?
33. When and where?
34. What has been h..... habits as to temperance, industry and general conduct?
35. In what manner has...he changed?
36. Has change been recent, gradual or sudden?
37. Has...he been subject to bodily ailments?
38. Of what nature are they?
39. Degree of education:
40. Is...he idiotic, imbecile or incurable?
41. Should...he be sent back to former residence on recovery?
42. If so, at whose cost?
43. Date of present committal as an insane person?
44. Remarks: (*Here give any other information which in the opinion of the J.P. should be brought to the notice of the Attorney General or which may be of use to the medical superintendent of the asylum in the treatment of the case.*)
- Dated at.....this.....day of.....
- A.D. 190...

*A Justice of the Peace in and for
the Province of Alberta.*

FORM F.

(Section 8.)

CANADA,
PROVINCE OF ALBERTA. }

To.....or any of the constables or other peace officers in the said province, and to the superintendent of the asylum for the insane at.....in the Province of.....

Whereas by *The Insanity Act* of the Province of Alberta, it is amongst other things in effect enacted that whenever under said Act any insane person is kept in custody to await the order of the Attorney General for removal to an asylum or until such person is discharged by law, the Attorney General may cause such person to be removed to and confined in one of the asylums designated for that purpose in this Act, and the superintendent or warden of such asylum or place of confinement shall receive such person and detain him therein subject to the provisions of this Act;

And whereas....., an insane person, is now kept in custody in....., in this province, awaiting the order of the Attorney General;

Therefore I....., Attorney General of the Province of Alberta, in pursuance of the power and authority conferred upon me by this Act, do hereby direct you to take the said..... and..... safely convey to the asylum for the insane at..... in the Province of..... and there to deliver..... to the superintendent thereof, together with this precept, and I do hereby authorize and require you the superintendent of the said asylum to receive the said..... into your custody in the said asylum, there to detain..... as a lunatic until the said..... is discharged by law, or released under the provisions of the said Act.

Given under my hand at Edmonton, in the Province of Alberta, this..... day of....., in the year of our Lord one thousand nine hundred and.....

Attorney General of the Province of Alberta.

FORM G.

(Section 10.)

CERTIFICATE OF JUDGE WHEN PRISONER IS NOT FIT FOR AN ASYLUM.

CANADA, }

PROVINCE OF ALBERTA. }

Certificate
of judge that
prisoner not fit
for asylum

I, the undersigned, a judge of the Supreme Court of Alberta, do hereby certify that I..... have, on this..... day of..... A.D. 19....., personally examined....., an inmate of the gaol at....., and I..... do hereby further certify that I am satisfied that the said..... is not insane (or that the said..... though insane, is not dangerous to be at large), and is not, in my opinion, a fit person to be confined in an asylum for the insane.

Signed this..... day of..... A.D. 19..... at.....

J. S. C.

FORM H.

(Section 24.)

WARRANT TO RETAKE PROBATIONARY PATIENT.

CANADA, }

PROVINCE OF ALBERTA. }

Warrant to
retake patient
allowed out on
probation

To..... and all or any of the constables or peace officers in the Province of Alberta:

Whereas, on the..... day of..... last past, being within six months of this date, *A.B.*, an insane person confined in the..... insane asylum..... was allowed by the medical superintendent of the said asylum to return on trial to the care of his friends;

And whereas it appears to me, from the information received by me, that the said *A.B.* has again become dangerous;

These are, therefore, to command you or any of you, the said constables or peace officers, in His Majesty's name, to retake the said *A.B.*, and safely convey him to the said asylum (or to such other asylum as may be designated), and deliver him to the superintendent of the said asylum.

Given under my hand this..... day of..... in the year of our Lord, 19..... at.....

Attorney General of the Province of Alberta.

1907

CHAPTER 8.

An Act respecting Railways.

(Assented to March 15, 1907.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The railway Act.*"

Short title]

INTERPRETATION.

2. In this Act and in the special Act incorporating any railway company to which this Act applies where the following words occur they shall be construed in the manner hereinafter mentioned unless a contrary intention appears: Interpretation

1. The expression "special Act" means any Act under which the company has authority to construct or operate a railway or which is enacted with special reference to such railway and includes all such Acts; Special Act

2. "Prescribed" used in this Act in reference to any matter herein stated refers to such matter as the same is prescribed or provided for in the special Act; and the sentence in which such word occurs shall be construed as if instead of the word "prescribed" the expression "prescribed for that purpose in the special Act" had been used; Prescribed

3. "The lands" shall mean the lands which by the special Act are authorized to be taken or used for the purposes thereof; The lands

4. "Land" or "lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure; Lands

5. "The undertaking" means the railway and works of whatever description by the special Act authorized to be executed; The undertaking

6. "Minister" means the Chairman of the Executive Council of Alberta. 1909, c. 5, s. 11 (1). Minister

7. "Lease" includes any agreement for a lease; Lease

8. "Toll" means and includes any toll, rate, fare, charge or other payment made under this Act or the special Act for any passenger, animal, carriage, goods, merchandise, articles, matters, things conveyed on the railway or for the collection, loading or unloading or delivery of goods or for the warehousing or other services incidental to the business of a carrier; Toll

9. "Judge in chambers" and "judge" respectively mean a judge of the Supreme Court sitting in chambers; Judge in Chambers

10. "Goods" includes personal property of every description that may be conveyed upon the railway or upon steam or other vessels connected therewith; Goods

11. "Highways" shall mean any public roads, street, lane or other public way or communication; Highways

- Justice 12. "Justice" shall mean a justice of the peace in and for the province residing near the place where the matter requiring the cognizance of a justice arises and who is not interested in the matter;
- Owner 13. "Owner" when under the provisions of this Act or the special Act any notice is required to be given to the owner of any lands or when any act is authorized or required to be done with the consent of any such owner means any corporation or person who under the provisions of this Act or the special Act or any Act incorporated therewith would be enabled to sell and convey lands to the company;
- The company 14. "The company" shall mean the company or person authorized by the special Act to construct the railway and shall include all persons or corporations leasing or operating any railway;
- The railway 15. "The railway" means the railway which by the special Act the company is authorized to construct or operate and includes all branches, sidings, stations, depots, wharves, rolling stock, equipment, stores, property real or personal and works connected therewith and also any railway bridge, tunnel or other structure which the company is authorized to construct;
- Rolling stock 16. "Rolling stock" means and includes any locomotive, engine, motor car, tender, snowplow, flanger and every description of car or of railway equipment designed for movement on its wheels over or upon the rails or tracks of the company;
- Train 17. "Train" includes any engine, locomotive or other rolling stock;
- Shareholder 18. "Shareholder" means every subscriber to or holder of stock in the undertaking and shall extend to and include the personal representatives of the shareholder;
- Inspecting engineer 19. "Inspecting engineer" shall mean an engineer who is directed by the Lieutenant Governor in Council or by the Minister to examine any railway and includes two or more engineers when two or more are so directed;
- Traffic 20. "Traffic" shall include passengers, goods and rolling stock;
- Lawful fences 21. The expression "lawful fences" shall mean substantial fences not less than four feet high and consisting of not less than four strands of ordinary fence wire, the lower wire being not more than 12 inches above the ground; the posts in such fences to be placed not more than 27 feet apart;
- Working expenses 22. The expression "working expenses" means and includes all expenses for maintenance of the railway and all such tolls, rents or annual sums paid in respect to property leased to or held by the company apart from the rent of any leased line or in respect to the hire of rolling stock let to the company; also all rents, charges or interests on the purchase money of lands belonging to the company purchased but not paid for or not fully paid for; and also all expenses incidental to the working of the railway and the traffic thereon including all necessary repairs and supplies of rolling stock while on the lines of another company; also rents, taxes, insurance and expenditure for accidents or losses; also all salaries and wages of persons employed in and about the working of the railway and traffic and all officers' and managers' expenses including directors' fees, agency, legal and other like expenses; also all costs and expenses of and incidental to the compliance by the company with any order of

the Minister under this Act and generally all such charges as are not above otherwise specified as in all cases of English railway companies are usually carried to debit of revenue as distinct from capital account.

APPLICATION.

3. The provisions of this Act shall apply to all railways here-^{Application of Act} tofore or hereafter authorized to be constructed by any special Act of the province and said provisions shall in so far as they are applicable to the undertaking and unless they are expressly varied or excepted therefrom by the special Act be incorporated with the special Act form part thereof and be construed therewith as forming one Act.

4. Any section of this Act may by any special Act be excepted^{Any section may be excepted by special Act} from incorporation therewith or may thereby be extended, limited or qualified, and it shall be sufficient for the purposes of this section to refer to any section of this Act by its number merely; and unless otherwise expressly provided in this Act where the provisions of this Act and of any special Act of the province^{Conflict between this Act and special Act} relate to the same subject matter the provisions of the special Act shall be taken to override the provisions of this Act in so far as is necessary to give effect to such special Act.

INCORPORATION.

5. Every company incorporated under any special Act shall^{Incorporation} be a body corporate under the name declared in the special Act and shall be invested with all such powers, privileges and immunities as are necessary to carry into effect the intentions and objects of this Act and of the special Act and are incident to such corporations or are expressed or included in *The Interpretation Act.*

ORGANIZATION OF THE COMPANY OFFICES.

6. The head office of the company shall be within the province^{Offices of the company} in the place designated in the special Act but the company may by by-law from time to time change the location of its head office to any other place in the province notice thereof to be given the Minister, who shall keep a register for the purpose; the board of directors may establish such other offices as they may deem advisable.

PROVISIONAL DIRECTORS AND THEIR POWERS.

7. The persons mentioned by name as such in the special^{Provisional directors} Act are hereby constituted provisional directors of the company and of such provisional directors a majority shall be a quorum and the said provisional directors shall hold office as such until the first election of directors and may forthwith open stock books and procure subscriptions of stock for the undertaking and receive payments on account of stock subscribed and cause plans and surveys to be made and deposit in any chartered bank in Alberta money received by them on account

of stock subscribed which moneys shall not be withdrawn except for the purposes of the undertaking or upon dissolution of the company for any cause whatsoever.

Allotment
of stock

8. If more than the whole stock has been subscribed the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking.

CAPITAL.

Capital stock
and shares

9. The capital stock of the company the amount of which shall be stated in the special Act shall be divided into shares of one hundred dollars each; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements for procuring the passing of the special Act and for making the surveys, plans and estimates of the works authorized by the special Act; and the remainder of such money shall be applied to the making, equipping, completing and maintaining of the railway and other purposes of the undertaking.

First meeting
of shareholders

10. So soon as twenty-five per cent. of the capital has been subscribed and ten per cent. of the amount subscribed has been paid into some chartered bank having an office in the province to the credit of the company the provisional directors shall call a meeting of the shareholders of the company at the place where the head office is situated at such time as they think proper giving such notice thereof as is hereinafter prescribed, at which meeting the shareholders who have paid at least ten per cent. on the amount of stock subscribed for by them shall from the shareholders possessing the qualifications hereinafter mentioned elect the number of directors prescribed by the special Act.

Notice thereof

Election of
directors

Increase of
capital stock

11. The original capital stock of the company may with the approval of the Lieutenant Governor in Council be increased from time to time to any amount if such increase is sanctioned by a vote in person or by proxy of the shareholders who hold at least two-thirds in amount of the subscribed stock of the company at a meeting expressly called by the directors for that purpose by a notice in writing to each shareholder delivered to him personally or properly directed to him and deposited in the post office at least twenty days previously to such meeting stating the time, place and object of such meeting and the amount of the proposed increase; and the proceedings of such meeting shall be entered in the minutes of the proceedings of the company and thereupon the capital stock may with such approval be increased to the amount sanctioned by such vote.

MEETINGS OF SHAREHOLDERS.

Annual
meetings

12. A general meeting of the shareholders for the election of directors and the transaction of other business connected with or incidental to the undertaking to be called "the annual meeting" shall be held annually on the day mentioned in the special Act (or such other day as the directors may determine) and other general meetings to be called "special meetings"

may be called from time to time by the directors or by the shareholders representing at least one-fourth of the value of the subscribed stock if the directors having been requested by such shareholders to convene such special meeting for twenty-one days thereafter fail to call such meeting.

13. All general meetings whether annual or special shall be held at the head office of the company. ^{Where to be held}

14. At least four week's public notice of any meeting of the shareholders of the company shall be given by advertisement published in *The Alberta Gazette* and in at least one newspaper published in the place where the head office is situate in which notice shall be specified the place, the day and the hour of meeting; all such notices shall be published weekly in such newspaper and a copy of such gazette containing such notice shall on production thereof be sufficient evidence of such notice having been given.

15. Any business connected with or incidental to the undertaking may be transacted at an annual meeting except such business as is by this Act or the special Act required to be transacted at a special meeting; but no special meeting shall enter upon any business not set forth in the notice upon which it is convened. ^{What business may be transacted}

16. The number of votes to which each shareholder shall be entitled on every occasion on which the votes of the shareholders are to be given shall be in proportion to the number of shares held by him on which all calls due have been paid. ^{Votes on shares}

17. All shareholders whether resident in this province or elsewhere may vote by proxy if they see fit provided such proxy produces from his constituent an appointment in writing in the words or to the effect following, that is to say: ^{Voting by proxy}

I,, of,
one of the shareholders of the,
do hereby appoint,
of, to be my proxy and in my absence to vote or
give my assent to any business, matter or thing relating to the
undertaking of the said, that may be mentioned
or proposed at any meeting of the shareholders of the said com-
pany or any of them in such manner as he the said,
thinks proper. ^{Form of proxy}

In witness whereof I have hereunto set my hand and seal
this day of
in the year

18. The votes by proxy shall be as valid as if the constituents had voted in person; and every matter or thing proposed or considered at any meeting of the shareholders shall be determined by the majority of votes and proxies then present and given; and all decisions and acts of any such majority shall bind the company and be deemed the decisions and acts of the company. ^{Votes by proxy}

19. Copies of the minutes of proceedings and resolutions of the shareholders of the company at any annual or special ^{Certified copy of minutes evidence}

meeting and of the minutes of proceedings and resolutions of the directors at their meetings extracted from the minute books kept by the secretary of the company and by him certified to be true copies extracted from such minute books when sealed with the company's seal shall without proof of the signature of such secretary be evidence of such proceedings and resolutions in any court.

PRESIDENT AND DIRECTORS.

Election of
board of
directors

20. A board of directors of the company to manage its affairs the number whereof shall be stated in the special Act and a majority of whom shall form a quorum shall be chosen at the annual meeting; and if such election be not held on the day appointed therefor the directors shall cause such election to be held at a special meeting duly called for that purpose with as short a delay as possible after the day so appointed.

Two of
directors to be
residents of
province

(2) Of the directors of the company two at least shall be and while holding office as such shall continue to be residents of the province.

Who shall vote

21. On the day so notified no person shall be admitted to vote except those who would have been entitled to vote had the election been held on the day when it ought to have been held.

Vacancies
in board

22. Vacancies in the board of directors shall be filled in the manner prescribed in the by-laws.

Qualification
for directors

23. No person shall be a director unless he is a shareholder owning ten shares of stock absolutely in his own right and qualified to vote for directors at the election for which he is chosen.

Term of office
of directors

24. The directors appointed at the last election or those appointed in their stead in case of vacancy shall remain in office until the next ensuing election of directors.

Vacancy
in board

25. In case of the death, absence or resignation of any of the directors others may be appointed in their stead by the remaining directors; but if such appointment is not made such death, absence or resignation shall not invalidate the acts of the remaining directors.

26. The directors shall, at their first or at some other meeting after the election, elect one of their number to be president of the company, who, unless otherwise provided by by-law, shall always when present be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director or until another president be elected in his stead, and the directors may in like manner elect one or more vice-presidents who may act as chairman in the absence of the president in such priority as may be prescribed by by-law. The directors at any meeting at which not less than a quorum are present shall be competent to elect a chairman from among their number to preside at such meeting in the event of the president or a vice-president being absent. 1911-12, c. 15, s. 1.

27. The directors at any meeting at which not less than a Quorum quorum are present shall be competent to use and exercise all and any of the powers vested in the directors.

28. The act of a majority of a quorum of the directors present Majority of quorum at any meeting regularly held shall be deemed the act of the directors.

29. No directors shall have more than one vote at any meeting Directors to have no more than one vote except the chairman who shall in case of a division of equal numbers have the casting vote.

30. The directors shall be subject to the examination and Directors subject to control of the shareholders at their annual meetings and be subject to all by-laws of the company and to the orders and directions from time to time made at the annual or at any special meetings; but such orders and directions shall not be contrary to any express directions or provisions of this Act or of the special Act.

31. No person holding any office, place or employment in Persons holding office or being concerned or interested in any contract under or with the company or is surety for any contractor with the company shall be capable of being chosen as a director or of holding the office of director nor shall any person being a director of the company enter into or be directly or indirectly for his own use and benefit interested in any contract with the company other than a contract which relates to the purchase of land necessary for the railway or be or become a partner of or surety for any contractor for the company.

32. The directors may make by-laws or pass resolutions from By-laws time to time for the following purposes:

1. The management and disposal of the stock, property, business and affairs of the company not inconsistent with the laws of the province;

2. The appointment of all officers, servants and artificers and for prescribing their respective duties and the compensation to be made therefor.

33. The directors shall from time to time appoint such officers Appointment of officers as they deem requisite and shall take sufficient security by one or more penal bonds or otherwise from the manager and officers for the time being for the safe keeping and accounting by them respectively of and for the moneys raised by virtue of this Act and the special Act and for the faithful execution of their offices as the directors think proper.

34. In case of the absence or illness of the president the vice-president shall have all the rights and powers of the president In case of absence or illness and may sign all debentures and other instruments and perform all acts which by the regulations and by-laws of the company or by the Act incorporating the company are required to be signed, performed and done by the president. In the absence or illness of the president or vice-presidents any director of the company acting under the express authority of the board may

while so acting exercise the rights and powers of the president or vice-presidents as hereinbefore set forth. 1911-12, c. 15, s. 2.

Secretary to
enter among
proceedings
such absence
or illness

35. The directors may at any meeting require the secretary of the company to enter such absence or illness among the proceedings of such meeting; and a certificate thereof signed by the secretary shall be delivered to any person or persons requiring the same on payment to the treasurer of one dollar; and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness at and during the period in the said certificate mentioned in all proceedings in courts of justice or otherwise.

Directors to
make account
of money
collected

36. The directors shall cause to be kept and annually on the thirty-first day of December shall cause to be made up and balanced a true, exact and particular account of all the money collected and received by the company or by the directors or managers thereof or otherwise for the use of the company and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking and of all other receipts and expenditures of the company or the directors.

CALLS.

Directors
may make

37. The directors may from time to time make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them as they deem necessary; and thirty days' notice shall be given of each call; and no call shall exceed the prescribed amount determined in the special Act or be made at a less interval than two months from the previous call nor shall a greater amount be called in any one year than the amount prescribed in the special Act; but nothing herein contained shall prevent the directors from making more than one call by one resolution of the board:

Provided that the intervals between such calls, the notices of each call and the other provisions of this Act and of the special Act in respect of calls are duly observed and given.

Publication of
notice of call

38. All notices of calls upon the shareholders of the company shall be published as provided by section 14 of this Act and a copy of the gazette as therein mentioned shall on production thereof be sufficient evidence of such notice having been given.

Liability of
shareholders

39. Every shareholder shall be liable to pay the amount of the call so made in respect of the share held by him to the persons and at the times and places from time to time appointed by the company.

When call
not paid

40. If on or before the day appointed for payment of any call any shareholder does not pay the amount of the call he shall be liable to pay interest for the same at the legal rate for the time being from the day appointed for the payment thereof to the time of the actual payment thereof.

41. If at the time appointed for the payment of any call any shareholder fails to pay the amount of the call he may be sued ^{May be sued for} for the same in any court of competent jurisdiction and the same may be recovered with lawful interest from the day on which the call became payable.

42. In any action or suit to recover any money due upon any call it shall not be necessary to set forth the special matter ^{Pleadings in action for} but it shall be sufficient to declare that the defendant is the holder of one share or more stating the number of shares and is indebted in the sum of money to which the calls in arrears amount in respect of one call or more upon one share or more stating the number and amount of each such calls whereby an action has accrued to the company.

DIVIDENDS.

43. Dividends at and after the rate of so much per share ^{Declaration of dividend} upon the several shares held by the shareholders in the stock of the company may, from time to time be declared and paid by the directors out of the net profits of the undertaking.

44. No dividends shall be declared whereby the capital of the company is in any degree reduced or impaired or be paid ^{Capital not to be reduced} thereout; nor shall any dividend be paid in respect of any share after a day appointed for payment of any call for money in respect thereof until such call has been paid; but the directors may in their discretion until the railway is completed and opened ^{Directors may pay interest} to the public pay interest at legal rate authorized by the laws of Canada then in force in Canada on all sums actually paid in cash in respect of the shares from the respective days on which the same have been paid; and such interest shall accrue and be paid at such times and places as the directors appoint for that purpose.

45. No interest shall accrue to any shareholder in respect ^{No interest on calls in arrears} to any share upon which any call is in arrears or in respect to any other share held by such shareholder while such call remains unpaid.

(2) The directors may deduct from any dividend payable to any shareholder all or any sum or sums of money due from him ^{Arrears may be deducted from dividends} to the company on account of any call or otherwise.

SHARES.

46. Shares in the company may by the holders thereof be ^{Shares may be transferred} sold and transferred by instrument in writing made in duplicate—one part of which shall be delivered to the directors to be filed and kept for the use of the company and an entry whereof shall be made in a book to be kept for that purpose and no interest or dividend on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered.

47. Transfers except in the case of fully paid up shares shall ^{Form of Transfers} be in the form following or to the like effect varying the names and descriptions of the contracting parties as the case requires, that is to say:

I, (A.B.) in consideration of the sum of.....paid to me by (C.D.) hereby sell and transfer to him.....share (or shares) of the stock of....., to hold to him, the said (C.D.), his executors, administrators and assigns (or successors and assigns, as the case may be) subject to the same rules and orders and on the same conditions that I held the same immediately before the execution hereof. And I, the said (C.D.), do hereby agree to accept of the said (A.B.).....share (or shares) subject to the same rules, orders and conditions.

Witness our hands this.....day of.....in the year 19....

As to paid-up shares

(2) In the case of fully paid shares the transfer may be in such form as is prescribed by the by-laws of the company.

Stock personal property

48. The stock of the company shall be personal property but no shares shall be transferable until all previous calls thereon have been fully paid up or until the said shares have been declared forfeited for the nonpayment of calls thereon and no transfer of less than a whole share shall be valid.

Transmission of stock other than by transfer

49. If any share in the capital stock of the company is transmitted by death, bankruptcy or last will, donation or testament or by the intestacy of any shareholder or by any lawful means other than the transfer hereinbefore mentioned the person to whom such share is transmitted shall deposit in the office of the company a statement in writing signed by him which shall declare the manner of such transmission together with a duly certified copy or probate of such will, donation or testament or sufficient extracts therefrom and such other documents and proofs as are necessary and without such proof the person to whom the share is so transmitted as aforesaid shall not be entitled to receive any part of the profits of the company or to vote in respect of any such share as the holder thereof.

Company not bound to see to execution of trusts

50. The company shall not be bound to see the execution of any trust whether express, implied or constructive to which any share or security issued by it is subject and whether or not the company has had notice of the trust; and it may treat the registered holder as the absolute owner of any such share or security and accordingly shall not be bound to recognize any claim on the part of any other person whomsoever with respect to any such share or security or the dividend or interest payable thereon:

Provided that nothing herein contained shall prevent a person equitably interested in any such share or security from procuring the intervention of the court to protect his rights.

Certified stock prima facie evidence of title

51. The certificate of proprietorship of any share shall be admitted in all courts as *prima facie* evidence of the title of any shareholder, his executors, administrators or assigns or successors and assigns as the case may be to the share therein specified.

Sale without certificate

52. The want of such certificate shall not prevent the holder of any share from disposing thereof.

Forfeiture of stock for nonpayment of calls

53. Every shareholder who makes default for the space of two months in the payment of any call payable by him together

with the interest, if any, accrued thereon after the time appointed for the payment thereof shall forfeit to the company his share in the company and all the profits and benefit thereof.

54. No advantage shall be taken of the forfeiture unless the shares are declared to be forfeited at a general meeting of the company assembled at any time after such forfeiture has been incurred. Method of forfeiture

55. Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting against all actions, suits or prosecutions whatsoever commenced or prosecuted for any breach of contract between such shareholder and the other shareholders with regard to carrying on the undertaking. Effect of forfeiture on liability

56. The directors may sell either by public action or private sale any shares so declared to be forfeited upon authority therefor having first been given by the shareholders either at a general meeting at which such shares were declared to be forfeited or at any subsequent general meeting and any shareholder may purchase any forfeited share so sold. Sale of forfeited shares

57. A certificate of the treasurer of the company that the forfeiture of the shares was declared shall be sufficient evidence of the fact and of their purchase by the purchaser; and such certificate with the receipt of the treasurer for the price of such shares shall constitute a good title to the shares; and the certificate shall be by the said treasurer registered in the name and with the place of abode and occupation of the purchaser and shall be entered in the books to be kept by the company and such purchaser shall thereupon be deemed the holder of such shares and shall not be bound to see to the application of the purchase money and his title to such shares shall not be affected by any irregularities in the proceedings in reference to such sale; and any shareholder may purchase any share so sold. Certificate of treasurer to be evidence of forfeiture and of title in purchaser

58. Any shareholder who is willing to advance the amount of his shares or any part of the money due upon his shares beyond the sums actually called for may pay the same to the company; and upon the principal moneys so paid in advance or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect to which such advance is made the company may pay such interest at the lawful rate of interest for the time being as the shareholders who pay such sums in advance and the company agree upon; but such interest shall not be paid out of the capital subscribed. Interest on sum paid in advance
No interest to be paid out of capital

59. Every shareholder shall be individually liable to the creditors of the company for the debts and liabilities of the company to an amount equal to the amount unpaid on the stock held by him and until the whole amount of his stock has been paid up but no such shareholder shall be liable to an action in respect of his said liability until an execution at the suit of the creditor against the company has been returned unsatisfied in whole or in part. Limit of shareholder's liability to creditors of the company

Aliens have
equal rights as
shareholders

60. All shareholders in the company whether British subjects or aliens or residents in Canada or elsewhere shall have equal right to hold stock in the company and to vote on the same and shall be eligible to hold office in the company.

Proviso

(2) Nothing in this section contained shall be construed to do away with the requirements of subsection 2 of section 20 of this Act.

Record of
shareholders

61. A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book which shall be kept for that purpose and which shall be open to the inspection of the shareholders.

BONDS, MORTGAGES AND BORROWING POWERS.

Issue of bonds
authorized

62. The directors of the company under the authority of the shareholders to them given at any special meeting called for the purpose in the manner provided by section 14 of this Act or at any annual meeting for which like notice of intention to apply for such authority has been given as is required in the case of a special meeting and at which meeting whether annual or special shareholders representing at least two-thirds in value of the subscribed stock of the company and who have paid all calls due thereon are present in person or represented by proxy may subject to the provisions in this Act and the special Act contained issue bonds, debentures, perpetual or terminal debenture stock or other securities and such securities may be made payable at such times and in such manner and at such place or places in Canada or elsewhere and may bear such rate of interest not exceeding five per cent. per annum as the directors think proper. If the securities issued are in the form of bonds such bonds may be signed by the president or a vice-president or a director and countersigned by the secretary or an assistant or local secretary of the company; and any coupons attached to such bonds shall bear the signature of the treasurer or secretary of the company:

Procedure

When and
where payable

Interest

Provided that the signature of the president on the bonds, and the signature of the treasurer or secretary on the coupons, may be engraved, lithographed or otherwise mechanically reproduced facsimile of such signatures respectively; and such reproduced and all other signatures of the officers aforesaid shall, for all purposes, be valid and binding upon the company, notwithstanding that at the date of the issue or certification of the bonds or coupons the persons whose signatures so appear are not the president, vice-president, director, treasurer or secretary of the company as the case may be. 1911-12, c. 15, s. 3.

(b) If the securities are issued in the form of debenture stock, certificates for such stock may be signed in the same way as herein provided for the signature of bonds, or may be signed by the secretary or an assistant or local secretary of the company, countersigned by the registrar or an assistant or local registrar of the stock for the time being, or such other officers as the directors may designate. 1911-12, c. 15, s. 3.

Disposal of
bonds, etc.

(2) The directors may issue and sell or pledge all or any of the said securities at the best price and upon the best terms

and conditions which at the time they may be able to obtain for the purpose of raising money for prosecuting the said undertaking.

(3) No such security shall be for a less sum than one hundred ^{Amount of bonds, etc.} dollars.

(4) The power of issuing securities conferred upon the company hereby or under the special Act shall not be construed as being exhausted by such issue; and such power may be exercised from time to time; but the limit to the amount of securities fixed in the special Act shall not be exceeded. ^{Extent of borrowing power}

63. The company may secure such securities by one or more mortgage deeds creating such mortgages, charges or encumbrances upon the whole or any part or portions of such property, assets, rents and revenues of the company, present and future or both, as may be described therein; but such property, assets, rents and revenues shall be subject in the first instance to the payment of any penalty then or thereafter imposed upon the company for noncompliance with the requirements of this Act and next to the payment of the working expenditure of the railway. 1911-12, c. 15, s. 4.

(2) By the said mortgage or mortgages the company may grant to the holders of such securities or the trustees named in such mortgage all or any of the powers, rights, and remedies granted by this Act, in respect of the said securities and all other powers, rights and remedies not inconsistent with this Act, or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act as the case may be; and all the powers, rights and remedies so provided for in any such mortgage shall be valid and binding and available to the said holders in manner and form as therein provided. 1911-12, c. 15, s. 4.

(3) The company may except from the operation of any such mortgage deed any assets, property, rents or revenues of the company, present or future, and may declare and provide therein that such mortgage shall only apply to and affect certain sections or portions of the railway or property of the company; but where any such exception is made the company shall in such mortgage deed expressly specify and describe with sufficient particularity to identify the same, the assets, property, rents or revenue of the company or the section or portions of the railway not intended to be included therein or conveyed thereby. 1911-12, c. 15, s. 4.

(4) Every such mortgage deed and every assignment thereof or other instrument in any way affecting such mortgage or security shall be deposited in the office of the Provincial Secretary of Alberta of which notice shall forthwith be given in *The Alberta Gazette*; such mortgage deed or other instrument need not be registered under the provisions of any law respecting registration of title deeds or instruments affecting real or personal property. ^{Mortgage to be deposited with the Provincial Secretary}

(5) A copy of any such deed or instrument so deposited certified ^{Evidence} to be a true copy by the Provincial Secretary or by the deputy Provincial Secretary shall be received as *prima facie* evidence of the original in all courts without proof of the signature of such officials.

64. The securities hereby authorized shall rank upon the properties of the company described in and covered by the mortgage deed or deeds securing the same respectively (and not excepted therefrom as hereinbefore provided) after the payment of the penalties and the working expenditure of the railway as hereinbefore provided, and according to the priorities, if any, established in respect of such securities by such mortgage deed or deeds.

(2) Each holder of the said securities shall be deemed to be a mortgagee or encumbrancee upon the mortgaged premises *pro rata* with all other holders of the same issue and in accordance with and having regard to the priorities, if any, so established; but no proceedings authorized by law or by this Act shall be taken to enforce payment of the said securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed or deeds and in accordance with the provisions thereof. 1911-12, c. 15, s. 5.

Rights of
bondholders
on default by
company

65. If the company makes default in paying the principal or of interest on any of such securities at the time when such principal or interest by the terms of the security becomes due and payable then at the next annual general meeting of the company and at all subsequent meetings all holders of such securities so being and remaining in default shall in respect thereof have and possess the same rights, privileges and qualifications for being elected directors and for voting at general meetings as would attach to them as shareholders if they had fully paid up shares in the company to a corresponding amount.

Transfer
of bonds

66. All such securities may be made payable to bearer and shall in that case be transferable by delivery until registration thereof as hereinbefore provided and while so registered they shall be transferable by written transfers registered in the same manner as in the case of the transfer of shares.

Power to
borrow money
by overdraft,
etc.

67. The company may for the purpose of the undertaking borrow money by overdraft or upon promissory note, warehouse receipt, bill of exchange or otherwise upon the credit of the company and become party to promissory notes and bills of exchange; and every such note or bill made, drawn, accepted or endorsed by the president or vice-president of the company or other officer authorized by the by-laws of the company and countersigned by the secretary of the company shall be binding on the company; and every such note or bill of exchange so made, drawn, accepted or endorsed shall be presumed to have been made, drawn, accepted or endorsed with proper authority until the contrary is shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary or other officer of the company so authorized be individually responsible for the same unless such promissory note or bill of exchange has been issued without proper authority but nothing in this section shall be construed to authorize the company to issue any note or bill payable to bearer or intended to be circulated as money or as the note or bill of a bank.

No seal
necessary

Notes not
to be payable
to bearer

68. If the railway authorized by the special Act to be constructed is of a length not greater than thirty miles the company shall construct and put the same in operation within two years from the date of its incorporation; if however such railway is of greater length than thirty miles the company shall in addition to thirty miles which it is hereby required to construct and put in operation within two years from its date of incorporation construct and put in operation at least thirty miles during each year immediately following the expiration of the said two years and shall complete the whole railway within five years from the date of incorporation and should the company fail to comply with the provisions of this section then the power granted by the special Act or by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time for construction

Penalty

THE POWERS OF THE COMPANY.

69. The company may for the purpose of the undertaking subject to the provisions in this Act and the special Act contained—

Powers of the company

- (a) Enter into and upon lands of His Majesty the property of the province as well as the lands of any person or corporation whomsoever lying in the intended route or line of the railway and make surveys, examinations or other necessary arrangements on such lands for fixing the site of the railway and set out and ascertain such parts of the lands as are necessary and proper for the railway but the company shall before entering into or upon any lands of His Majesty the property of the province first obtain license or consent so to do from the Lieutenant Governor in Council and with such license or consent may take and appropriate but not alienate such of the said lands as may be necessary for the railway; nothing herein contained is to be construed as authorizing the company to enter into or upon any lands vested in the Crown and administered by the Government of Canada for the purposes of Canada;
- (b) Receive, hold and take all voluntary grants and donations of land or other property or any bonus of money or debenture or other benefit of any sort made to it to aid in the construction, maintenance, accommodation and use of the railway; but the same shall be held or used for the purpose of such grants or donations only;
- (c) Purchase, hold and take of and from any corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the railway and also to alienate, sell or dispose of any lands or property of the company which for any reason have become not necessary for the purposes of the railway;
- (d) Make, carry or place the railway across or upon the lands of any person on the located line of the railway;
- (e) Subject to the provisions hereinafter contained to cross, intersect, join and unite the railway with any other railway at any point on its route and upon the lands

Enter upon lands

License or consent necessary, when

Dominion lands

To receive grants of land

Purchase land

Carry railway across lands

Unite railway with other railway

- of the owners of or used in connection with such other railway, with the necessary conveniences for the purposes of such connection; and the owners of both railways may unite in forming such intersection and grant the facilities therefor;
- (f) Make, complete, operate, alter and maintain the railway with one or more sets of rails or tracks to be worked by the force and power of steam, electricity or of the atmosphere or by mechanical power or any combination of them;
- (g) Construct, erect and maintain all necessary and convenient roads, buildings, stations, depots, wharves, docks, elevators and other structures and construct, purchase, and acquire stationary and locomotive engines, rolling stock and other apparatus necessary for the accommodation and use of the traffic and business of the railway;
- (h) Make branch railways and manage the same and for that purpose exercise all the powers, privileges and authority necessary therefor in as full and ample a manner as for the railway;
- (i) Take, transport, carry and convey persons and goods on the railway and regulate the time and manner in which the same shall be transported and the tolls to be charged therefor;
- (j) Fell or remove any tree on either side of the right of way of the railway which are liable to fall across the railway track;
- (k) Make or construct in, upon, across, under or over any railway, tramway, river, stream, watercourse, canal or highway which it intersects or touches, temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings and fences;
- (l) Construct and acquire electric telegraph and telephone lines for the purposes of its undertaking;
- (m) From time to time alter, repair or discontinue the before-mentioned works or any of them and substitute others in their stead;
- (n) Do all other acts necessary for the construction, maintenance and operation of the railway.
- 70.** The company shall in the exercise of the powers by this or the special Act granted do as little damage as possible and shall make full compensation in the manner herein and in the special Act provided to all parties interested for all damage by them sustained by reason of the exercise of such powers.

CONSTRUCTION OF THE RAILWAY.

-Gauge

71. The tracks of every railway, the construction of which shall be commenced after the coming into force of this Act, shall be of the standard gauge of four feet eight and one-half inches, unless the Minister upon the application of the railway company about to commence construction as aforesaid shall otherwise order.

LOCATION OF LINE.

72. The company shall prepare a map showing the general ^{Map} location of the proposed line of the railway, the termini and the principal towns and places through which the railway is to pass, giving the names thereof, the railways and navigable streams (if any) to be crossed by the railway and such as may be within a radius of thirty miles of the proposed railway and generally the physical features of the country through which the railway is to be constructed and shall give such further or other information as the Minister may require.

(2) Such map shall be submitted to the Minister and prepared ^{Application for approval of map} upon a scale of not less than six miles to the inch or upon such other appropriate scale as the Minister may determine and shall be accompanied by an application stating the special Act authorizing the construction of such railway and requesting the Minister's approval of the general location as shown on the said map.

(3) Before approving such map and location the Minister ^{Approval} may subject to the special Act make such changes and alterations therein as he may deem expedient and upon being satisfied therewith shall signify his approval upon the map and when so approved the map and application shall be filed in the office of the Minister of Railways and Telephones and no change or alteration from the general location of the line of the railway as approved by the Minister shall be allowed unless such change or alteration has been first approved by the Minister. The Minister in approving any such map and location may approve the whole or any portion thereof, and when he approves only a portion thereof, he shall signify his approval upon the map accordingly. 1909, c. 5, s. 11 (2); 1911-12, c. 10, s. 6.

(4) The foregoing provisions of this section shall only apply ^{Application of proceedings} to the main line and to branch lines over six miles in length.

(5) Upon compliance with the preceding provisions of this ^{Plan, profile and book of reference} section the company shall make a plan, profile and book of reference of the railway; the plan shall show the right of way with lengths of sections in miles, the names of the terminal points, the station grounds, the property lines, owners' names, the areas and length and width of lands proposed to be taken in figures (every change of width being given) and the bearings, also all open drains, watercourses, highways and railways proposed to be crossed or affected; the profile shall show the grades, curves, highway ^{Plan} and railway crossings, open drains and watercourses; the book of reference shall describe the portion of land proposed to be taken in each quarter section to be traversed giving numbers ^{Profile} of the quarter sections and the area, length and width of the portion thereof proposed to be taken, and names of owners and occupiers so far as they can be ascertained; the Minister may require any additional information for the proper understanding of the plan and profile. ^{Book of reference}

(6) The plan, profile and book of reference may be of a section ^{May be of section of railway} or sections of the railway.

73. Such plan, profile and book of reference shall be submitted ^{Sanction by Minister} to the Minister, who if satisfied therewith may sanction the same and by such sanction shall be deemed to have approved merely the location of the railway and the grades and curves

thereof as shown in such plan, profile and book of reference, but not to have relieved the company from otherwise complying with this Act.

Minister
may require
plan, etc., of
whole railway

(2) Before sanctioning any plan, profile or book of reference of a section of the railway the Minister may require the company to submit the plan, profile and book of reference of the whole or any portion of the remainder of the railway or such further or other information as the Minister may deem expedient.

Deposit of
plans, etc.

74. The plan, profile and book of reference when so sanctioned shall be deposited in the office of the Minister of Railways and Telephones, and each plan shall be numbered consecutively in order of deposit; and the company shall also deposit copies thereof or of such parts thereof as relate to each land registration district through which the railway is to pass duly certified as copies by the Minister in the office of the registrar for such land registration districts respectively. 1909, c. 5, s. 11; 1911-12, c. 10, s. 6.

Certain errors
not to affect
construction

75. The railway may be made, carried or placed across or upon the lands of any person on the located line although the name of such person has not been entered in the book of reference through error or any other cause or although some other person is erroneously mentioned as the owner of or entitled to convey or as interested in such lands.

Correction
of errors in
plans, etc.

(2) Where any omission, misstatement or error is made in any plan, profile or book of reference so registered the company may apply to the Minister for a certificate to correct the same; the Minister may in his discretion require notice to be given to parties interested and if it appears to the Minister that such omission, misstatement or error arose from mistake may grant a certificate setting forth the nature of the omission, misstatement or error and the correction allowed, and upon deposit of such certificate with the Minister and of copies thereof certified as such by the Minister with the registrar of the land registration district or districts respectively in which such lands are situate, the plan, profile or book of reference shall be taken to be corrected in accordance therewith and the company may thereupon subject to this Act construct the railway in accordance with such correction.

Duties of
registrars
with respect
to plans, etc

76. Every registrar shall receive and preserve in his office all plans, profiles, books of reference, certified copies thereof and other documents required by this Act to be deposited with him and shall endorse thereon the day, hour and minute when the same were so deposited; and all persons may resort to the same and may make extracts therefrom and copies thereof if occasion requires paying the registrar therefor at the rate of ten cents for each hundred words so copied or extracted and fifty cents for each copy made of any plan or profile; the registrar shall at the request of any person certify copies of any such plan, profile, book of reference or document so deposited in his office or of such portions thereof as may be required on being paid therefor at the rate of ten cents for each hundred words copied and such additional sum for any copy of plan or profile furnished by him as is reasonable and customary in like cases together with fifty cents for each certificate given by him.

(2) Such certificate of the registrar shall set forth that the plan, profile or document a copy of which or any portion of which is certified by him is deposited in his office and state the time when it was so deposited and that he has carefully compared the copy certified with the document on file and that the same is a true copy of such original; and such certified copy shall in all courts be evidence that such original document was so deposited at the time stated and certified and shall be *prima facie* proof of the original so deposited and that the same was signed, certified, attested or otherwise executed by the persons by whom and in the manner in which the same purports to be signed, certified, attested or executed as shown or appearing by such certified copy and in the case of a plan that such plan is prepared according to a scale and in manner and form sanctioned by the Minister.

What
certificate
of registrar
must state

77. A plan and profile of the completed railway or of as much thereof as is completed and in operation and of the land taken or obtained for the use thereof shall within six months after completion of the undertaking or within such extended or renewed period as the Minister at any time directs be made and filed with the Minister and plans of the parts thereof located in the different land registration districts prepared on such a scale and in such manner and form and signed or authenticated in such manner as may from time to time be designated by the Minister shall be filed in the offices of the land registration districts in which such parts are respectively situated; and every company which neglects or fails to file such plans and profiles with the Minister or to file such plans in such registry offices as heretofore provided shall be liable to a penalty of two hundred dollars and a like penalty for each and every month during which such failure or neglect continues.

Plan and
profile of
complete line

78. All plans and profiles required by law to be deposited by the company as heretofore provided shall be drawn on such scale with such detail upon such materials and of such character as the Minister may either by general regulation or in any case require or sanction and shall be certified and signed by the president or vice-president or general manager and also by the chief engineer of the company; and any book of reference required to be so deposited shall be prepared to the satisfaction of the Minister, and unless and until such plan, profile and book of reference are so made satisfactory to the Minister he may refuse to sanction the same or to allow the same to be deposited with him within the meaning of this Act.

General
provisions
respecting
plans, etc.

(2) In addition to such plans, profiles and books of reference the company shall with all reasonable expedition prepare and deposit with the Minister any other or further plans, profiles or books of reference of any portion of the railway or of any siding, station or works thereof which the Minister may from time to time order or require.

Further plans
as Minister
requires

79. If any deviation, change or alteration is required by the company to be made in the railway or any portion thereof as already constructed or as merely located and sanctioned as aforesaid a plan, profile and book of reference of the portion of such railway proposed to be changed showing the deviation,

Deviations,
changes or
alterations

change or alteration proposed to be made shall in like manner as provided in section 73 hereof be submitted for the approval of and may be sanctioned by the Minister; and the same when so sanctioned shall be deposited and dealt with as provided in section 74 hereof and the company may thereupon make such deviation, change or alteration and all the provisions of this Act shall apply to the portion of such line of railway so at any time changed or proposed to be changed as to the original line.

When
deviations
allowed

(2) The Minister may either by general regulation or in any particular case exempt the company from submitting the plan, profile and book of reference as in this section provided where such deviation, change or alteration is made or to be made for the purpose of lessening a curve, reducing a gradient or otherwise benefiting the railway or for any other purpose of public advantage as may seem to the Minister expedient providing such deviation, change or alteration does not exceed three hundred feet from the centre line of the railway located or constructed in accordance with the plans, profiles and books of reference deposited with the Minister under this Act; but nothing in this section shall be taken to authorize any extension of the railway beyond the terminal mentioned in the special Act.

Works not to
be commenced
until certain
provisions
complied with

80. The company shall not commence the construction of the railway or any portion or section thereof until the provisions of sections 73 and 74 of this Act are fully complied with and shall not make any change, alteration or deviation in the railway or any portion thereof until the provisions of the last preceding section are fully complied with.

Company not
to obstruct
access to any
mine

80a. No company shall, without the authority of the Minister, locate the line of its proposed railway or construct the same, or any portion thereof, so as to obstruct or interfere with or injuriously affect the working of or access to any mine then open or for the opening of which preparations are at the time of such location being lawfully and openly made. 1911-12, c. 15, s. 6.

Application
to Minister
to work mines
under railway

80b. No owner, lessee or occupier of any such mines or minerals lying under the railway or any of the works connected therewith or within forty yards therefrom shall work the same until leave therefor has been obtained from the Minister; and upon any application to the Minister for leave to work any such mines or minerals the applicant shall submit a plan and profile of the portion of the railway to be affected thereby and of the mining works or plant affecting the railway proposed to be constructed or operated, giving all reasonable and necessary information and details as to the extent and character of the same. The Minister may grant such application upon such terms and conditions for the protection and safety of the public as to the Minister seems expedient and may order that such other works be executed or measures taken as under the circumstances appear to the Minister best adapted to remove or diminish the danger arising or likely to arise from such mining operations. 1911-12, c. 15, s. 6.

Company
not entitled
to minerals

80c. The company shall not, unless the same have been expressly purchased, be entitled to any mines, ores, metals, coal,

slate, mineral oils, or other minerals in or under any lands purchased by it or taken by it under any compulsory powers given it by this Act, except only such parts thereof as are necessary to be dug, carried away or used in the construction of the works, and all such mines and minerals except as aforesaid shall be deemed to be excepted from the conveyance of such lands unless they are expressly named therein and conveyed thereby. 1911-12, c. 15, s. 6.

TAKING OR USING LANDS.

81. No company shall take possession of, use or occupy any lands vested in His Majesty in the right of the province without the consent of the Lieutenant Governor in Council but with such consent any such company may upon such terms as the Lieutenant Governor in Council prescribes take and appropriate for the use of the railway but not alienate so much of the said lands lying along the route of the railway as have not been granted or sold as is necessary for such railway and whenever any such lands are vested in His Majesty in the right of the province for any special purpose or subject to any trust the compensation money which the company pays therefor shall be held and applied by the Lieutenant Governor in Council for the like purpose or trust. As to lands vested in His Majesty in the right of the province

82. The company may take possession of, use or occupy any lands belonging to any other railway company, use and enjoy the whole or any portion of the right-of-way, tracks, terminals, stations or station grounds of any other railway company and have and exercise full right and powers to run and operate its trains over and upon any portion or portions of the railway of any other railway company, subject always to the approval of the Lieutenant Governor in Council first obtained or to any order or direction which the Lieutenant Governor in Council may make in regard to the exercise, enjoyment or restriction of such powers or privileges. Lands of other companies

(2) Such approval may be given upon application and notice and after hearing the Lieutenant Governor in Council may make such order, give such directions and impose such conditions or duties upon either party as to the said Lieutenant Governor in Council may appear just or desirable having due regard for the public and all proper interests and all provisions of the law at any time applicable to the taking of land and their valuation and the compensation therefor and appeals from awards thereon shall apply to such lands and in cases under this section where it becomes necessary for the company to obtain the approval of The Board of Railway Commissioners for Canada it shall do so in addition to otherwise complying with this section. Powers of Lieutenant Governor in Council on application

(3) The provisions of this section shall extend and apply to the lands of every railway company or person having authority to construct or operate a railway otherwise than under the legislative authority of the Province of Alberta in so far as the taking of such lands does not unreasonably interfere with the construction and operation of the railway or railways constructed and operated or being constructed and operated by virtue of or under such other legislative authority. 1911-12, c. 15, s. 7.

LANDS AND THEIR VALUATION.

Extent of
lands to be
taken without
consent of
owner

83. The lands which may be taken without the consent of the owner thereof for the right-of-way shall not exceed one hundred feet in breadth except in places where the rail level is or is proposed to be raised more than five feet higher or cut more than five feet deeper than the surface of the adjacent lands when such additional width may be taken as shall suffice to accommodate the slope and side ditches.

For
stations,
etc.

(2) For stations, depots and yards with the freight sheds warehouses, wharfs, elevators and other structures for the accommodation of traffic incidental thereto shall not exceed one mile in length by five hundred feet in breadth including the width of the right-of-way.

Proceedings
for obtaining
extra land
for certain
purposes

84. Whenever any company requires at any place on the line of its railway more ample space for the convenient accommodation of the public or of the traffic on the railway or for the protection against snowdrifts or for the diversion of a highway or for the substitution of one highway for another or for the construction or taking of any works or measures ordered by the minister under any of the provisions of this Act or the special Act or to secure the efficient construction, maintenance or operation of the railway, than it then possesses or can take without the consent of the owners thereof the company may cause a map or plan and book of reference to be made of the additional lands required at such place for the purposes aforesaid.

Application to
the Minister

85. The company may transmit the map or plan and the book of reference to the Minister with an application on behalf of the company supported by affidavit referring to such map or plan and book of reference and stating that certain lands shown therein are necessary for such purposes and that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights and requesting the Minister to authorize the taking thereof for such purposes under this chapter.

Notice to
owner and
certificate to
be transmitted
to Minister

86. At least ten days' notice of such application shall be given to the owner or possessor of such property; and the correctness of the map or plan and book of reference and the truth of the allegations in such application shall be certified by the president or one of the directors of the company or by its general manager and by its engineer and such map or plan and book of reference and statement shall be made and transmitted to the Minister in duplicate.

Minister
may grant
the application
after inquiry

87. The Minister shall inquire into the correctness of the map or plan and book of reference and the truth of the allegations of such application and if he is satisfied thereof shall grant a certificate to that effect and declaring it to be necessary in the public interest that the land shown on such map or plan and book of reference or any less quantity should be acquired by the company; and such certificate shall be annexed to one of the duplicates of the said map or plan and book of reference and statement and the other duplicate shall remain in the office of the Minister.

88. A copy of the duplicate of such map or plan and book of reference and statement and of such certificate shall be deposited in each of the land titles offices of the land registration districts respectively in which the lands lie. Deposit of copy of plan, etc.

89. Upon the granting of such certificate and by virtue thereof the company may without the consent of the owners take the land shown on such map or plan and book of reference as required for such purpose; and the company and all persons who could not otherwise convey the same to the company shall have with respect to any such land all the powers granted by this Act to companies and persons who could not otherwise convey the same with respect to lands which may be taken without the consent of the owners thereof; and all the provisions of law at any time applicable to the taking of land by the company and its valuation and the compensation therefor shall apply to the lands mentioned in such certificate. Powers of the company on the granting of certificate

90. The company either for the purpose of constructing or repairing its railway or for the purpose of carrying out the requirements of the Lieutenant Governor in Council or in the exercise of the powers conferred upon it by the Lieutenant Governor in Council may enter upon any land which is not more than two hundred yards distant from the centre of the located line of the railway and may occupy the said land as long as necessary for the purposes aforesaid; and all the provisions of law at any time applicable to the taking of land by the company and its valuation and the compensation therefor shall apply to the case of any land so required; but before entering upon any land for the purposes aforesaid the company shall in case the consent of the owner is not obtained pay into the office of the clerk of the court for the judicial district in which the lands are situated such sum with interest thereon for six months as is after two clear days' notice to the owner of the land or to the person empowered to convey the same or interested therein fixed by a judge. Lands may be acquired for constructing or repairing railway

91. Whenever stone, gravel, earth, water or sand is required for the construction or maintenance of any railway or any part thereof the company may if it cannot agree with the owner of the land on which the same are situated for the purchase thereof cause a land surveyor (duly licensed to act as such in the province) or an engineer to make a map and description of the property so required and it shall serve a copy thereof with its notice of arbitration as in the case of acquiring the roadway and all the provisions of this Act respecting expropriation of lands shall apply to the subject matter of this section and to the obtaining of materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which the material is taken or for the right to take material for any time it thinks necessary; and the notice of arbitration if arbitration is resorted to shall state the interest and powers required. Power to take materials for construction

(2) Whenever any stone, gravel, earth, water or sand is so taken at a distance from the line of the railway the company may lay down the necessary sidings, water pipes or conduits Power to make sidings, conduits, etc.

and tracks over or through any lands intervening between the railway and the land on which such material or water is found whatever is the distance; and all the provisions of this Act except such as relate to the filing of plans and publication of notice shall apply and the powers thereby granted may be used and exercised to obtain the right-of-way from the railway to the land on which such materials are situated; and such right may be acquired for a term of years or permanently as the company thinks proper and the powers in this and the next preceding section contained may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the railway.

Erection of
snow fences

92. Every company may on and after the first day of November in each year enter into and upon any lands of His Majesty the property of the province or into and upon the lands of any person whomsoever lying along the route or line of its railway and may erect and maintain snow fences thereon subject to the payment of such land damages if any as are thereafter established in the manner provided by law with respect to such railway to have been actually suffered; but every snow fence so erected shall be removed on or before the first day of April then next following.

And removal
thereof

Authority
to convey

93. All tenants for life, guardians, executors, administrators and trustees and all persons whomsoever not only for and on behalf of themselves, their heirs and successors but also for and on behalf of those whom they represent whether infants, issue unborn, lunatics, idiots, *femes covert* or other persons seized, possessed of or interested in any lands may contract for, sell, transfer and convey such lands unto the company all or any part thereof.

Order
of judge
requisite

(2) When such persons have no right in law to sell or convey the rights of property of the said land they may obtain from a judge after due notice to the persons interested the right to sell the said land; and the said judge shall give such orders as are necessary to secure the investment of the purchase money in such a manner as he deems necessary in accordance with the law of the province to secure the interests of the owner of the said land.

Effect of
conveyance
under preced-
ing sections

94. Any contract, agreement, sale, conveyance and assurance so made hereunder shall be valid and effectual in law to all intents and purposes whatsoever and shall vest in the company receiving the same the fee simple in the lands in such deed thereof described free and discharged from all trusts, restrictions and limitations whatsoever; and the person so conveying is hereby indemnified for what he does by virtue of or in pursuance of this Act.

Responsibility
as to purchase
money

95. The company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes if paid to the owner of the land or into court for his benefit.

Contracts
made before
deposit of
plans

96. Any contract or agreement made by any person authorized by this Act to convey lands either before the deposit of the plan, profile and book of reference or before the setting out and ascertaining of the lands required for the railway shall be binding

at the price agreed upon for the same lands if they are afterwards so set out and ascertained within one year from the date of contract or agreement and although such land has in the meantime become the property of a third person; and possession of the land may be taken and the agreement and price may be dealt with as if such price had been fixed by an award of arbitrators as hereinafter provided and the agreement shall be in the place of an award.

97. All persons who cannot in common course of law sell or alienate any lands so set out and ascertained shall agree upon a fixed annual rent as an equivalent and not upon a principal sum to be paid for the lands and if the amount of the rent is not fixed by agreement it shall be fixed and all proceedings shall be regulated in the manner herein prescribed.

Rental shall be fixed when parties cannot sell

98. Such annual rent and every other annual rent agreed upon or ascertained and to be paid for the purchase of any lands or for any part of the purchase money of any lands which the vendor agrees to leave unpaid shall be chargeable as part of the working expenditure of the railway upon the deed creating such charge and liability being duly registered in the land registry office of the proper registration district.

Lien for payment of rent

99. After the expiration of ten days from the deposit of the plan, profile and book of reference in the office of the registrar of land titles and after notice thereof has been given in at least one newspaper if there is any published in each of the land registration districts through which the railway is intended to pass application may be made to the owners of lands or persons empowered to convey lands or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the railway; and thereupon agreements and contracts may be made with such persons touching the said lands or the compensation to be paid for the same or for the damages or as to the mode in which such compensation shall be ascertained as seems expedient to both parties; and in case of disagreement between them or any of them all questions which arise between them shall be settled as hereinafter provided.

Expropriation proceedings after deposit of plan
Notice
Application to owners
Agreements authorized
Disagreements

100. The deposit of a plan, profile and book of reference and the notice of such deposit shall be deemed a general notice to all parties of the lands which will be required for the railway and works.

Filing plan deemed general notice

(2) The date of such agreement or the service of such notice or the order of the judge mentioned in section 105 shall be the time with reference to which any compensation or damages are to be ascertained.

101. The notice served upon the party shall contain—

- (a) A description of the lands to be taken or of the powers intended to be exercised with regard to any lands and describing the lands;
 - (b) A declaration of readiness to pay some certain sum or rent as the case may be as compensation for such lands or for such damages;
- What notice must contain

- (c) The name of a person to be appointed as the arbitrator of the company if their offer be not accepted.

Must be
accompanied
by certificate

102. Such notice shall be accompanied by the certificate of a Dominion land surveyor or an engineer who is a disinterested person, which certificate shall state—

- (a) That the land if the notice relates to the taking of land shown on the said plan is required for the railway or is within the limit of deviation allowed by this Act;
- (b) That he knows the land or the amount of damage likely to arise from the exercise of the powers; and
- (c) That the sum so offered is in his opinion a fair compensation for the land and damages aforesaid.

(2) Where no land is taken and the company denies the owner's right to compensation a surveyor's certificate is unnecessary.

(3) The notice need not be under the corporate seal of the company.

(4) It is not desirable that the company's arbitrator should be one of their own officers.

Service by
publication

103. If the opposite party is absent from the land registration district in which the lands lie or is unknown an application for service by advertisement may be made to a judge.

Procedure
on service by
publication

104. The application for service by advertisement shall be accompanied by such certificate as aforesaid and by an affidavit of some officer of the company that the opposite party is so absent or that after diligent inquiry the person on whom the notice ought to be served cannot be ascertained; and the judge shall order a notice as aforesaid but without such certificate to be inserted three times in the course of one month in a newspaper published in the judicial district in which the land is situated.

Failure to
accept after
service of
notice

Appointment
of arbitrator

Appointment
of arbitrator
by opposite
party

Third
arbitrator

105. If within ten days after the service of such notice or within one month after the first publication thereof the opposite party does not give notice to the company that he accepts the sum offered by it or notify it of the name of a person whom he appoints as arbitrator, the judge shall on the application of the company appoint a competent and disinterested person to be sole arbitrator for determining the compensation to be paid as aforesaid; if the opposite party within the time aforesaid notifies the company the name of his arbitrator then the two arbitrators shall jointly appoint a third or if they cannot agree upon a third then the judge shall upon the application of the party or of the company (previous notice of at least five clear days having been given to the other party) appoint a third arbitrator.

Call of
arbitrators

Duties

Awards

106. The arbitrators or the sole arbitrator as the case may be shall be sworn before a justice of the peace faithfully and impartially to perform the duties of their or his office; and shall proceed to ascertain such compensation in such way as they or he or a majority of them deem best; and the award of such arbitrator or of any two of them or of the sole arbitrator shall be final and conclusive except as hereinafter provided; but no such award shall be made nor any official act be done by such majority

except at a meeting held at a time and place of which the other arbitrator has had at least two clear days' notice or to which some meeting at which the third arbitrator was present had been adjourned.

107. The arbitrators or arbitrator in deciding on such value or compensation shall take into consideration the increased value beyond the increased value common to all lands in the locality that will be given to any lands through or over which the railway will pass by reason of the passage of the railway through or over the same or by reason of the construction of the railway and shall set off such increased value that will attach to the said lands or grounds against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands as aforesaid.

Increased value of remaining land to be considered

108. If by an award of arbitrators made under this Act the sum awarded exceeds the sum offered by the company the costs of the arbitration shall be borne by the company; but if otherwise they shall be borne by the opposite party and be deducted from the compensation and in either case the amount of such costs if not agreed upon may be taxed by the judge.

Costs where award exceeds or is less than company's offer

109. The arbitrators or a majority of them or the sole arbitrator shall examine on oath or solemn affirmation the parties or such witnesses as appear before them or him.

Arbitrators may take evidence under oath

(2) Such arbitrators or arbitrator shall have and may exercise with respect to such arbitration the following powers:

Powers of arbitrators

(a) Enter upon and inspect any place, building or works being the property or under the control of any company the entry or inspection of which appears to them or him requisite;

Entry

(b) Inspect any works, structure, rolling stock or property of the company;

Inspection

(c) Require the production of all books, papers, plans, specifications, drawings and documents relating to the matter before them or him;

Production of documents, etc.

(d) Administer oaths, affirmations or declarations;

Oaths

(e) And shall have the like power in summoning witnesses and enforcing their attendance and compelling them to give evidence and produce books, papers and things which they are required to produce as is vested in any court in civil cases; any person summoned to attend before such arbitrators or arbitrator shall be entitled to receive the like fees and allowances for so doing as if summoned to attend before the court and no person shall be excused from attending or testifying or from producing books, papers and documents on the ground or for the reason that the testimony or evidence documentary or otherwise required of him may tend to criminate or subject him to any proceeding or penalty; but no evidence so given nor any document so produced shall be used or receivable against such person in any criminal proceeding thereafter instituted against him other than a prosecution for perjury in giving such evidence.

Power in summoning witnesses

Parties bound to testify

(3) The arbitrators shall take down in writing the evidence brought before them unless either party requires that it be taken by means of stenography in which case a stenographer shall be named by the arbitrators unless the parties agree upon one and

Stenographers

shall be sworn before the arbitrators or before any one of them before entering upon his duties; and the expense of such stenographer if not determined by agreement between the parties shall be taxed by the court or judge and shall in any case form part of the costs of the arbitration; and after making their award the arbitrators shall forthwith deliver or transmit by registered letter at the request of either party in writing the depositions together with the exhibits referred to therein and all papers connected with the reference except the award to the clerk of the court to be filed with the record of the said court.

Depositions transmitted to clerk of the court

Time within which award is to be made

110. A majority of the arbitrators at the first meeting after their appointment or the sole arbitrator shall fix a day on or before which the award shall be made.

Award not to be invalidated for want of form

(2) No award shall be invalidated by reason of any want of form or other technical objection if the requirements of this Act have been substantially complied with and if the award states clearly the sum awarded and the lands or other property, right or privilege for which such sum is to be the compensation; and the person to whom the sum is to be paid need not be named in the award.

Vacancies office of arbitrator

111. If any arbitrator appointed by the judge dies before the award has been made or is disqualified or refuses or fails to act within a reasonable time the judge upon application of either party of which application six days' notice shall be given to the opposite party and upon being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure shall appoint another arbitrator in the place of such arbitrator:

No re-commencement of proceedings

Provided that in the case of any arbitrator named by one of the parties and appointed by the judge so dying or not acting such party may upon such application name the arbitrator who shall be appointed by the judge in the place of the arbitrator so deceased or not acting; but no recommencement or repetition of the previous proceedings shall be required in any case.

Company may abandon proceedings

112. Where the notice given improperly describes the land or materials intended to be taken or where the company decides not to take the land or materials mentioned in the notice it may abandon the notice and all proceedings thereunder but shall be liable to the person notified for all damages or costs incurred by him in consequence of such notice and abandonment, such costs to be taxed in the same manner as costs after an award; and the company may give to the same or any other person notice for other land or materials or for land or materials otherwise described notwithstanding the abandonment of the former notice.

Damages and costs in such event

When arbitrator interested in compensation

113. The person offered or appointed as valuator or as sole arbitrator shall not be disqualified because he is professionally employed by either party or has previously expressed an opinion as to the amount of compensation or because he is related or of kin to any shareholder of the company if he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any arbitrator

appointed by the judge after his appointment but the objection shall be made before the appointment and its validity or invalidity shall be summarily determined by the judge. Time for taking objection

114. Whenever the award exceeds six hundred dollars any party to the arbitration may within one month after receiving a written notice from any one of the arbitrators or the sole arbitrator as the case may be of the making of the award appeal therefrom upon any question of law or fact to the court and upon the hearing of the appeal the court shall if the same is a question of fact, decide the same upon the evidence taken before the arbitrators as in a case of original jurisdiction. Appeal from award

(2) Upon such appeal the practice and proceedings shall be as nearly as may be the same as upon an appeal from the decision of an inferior court to the said court subject to any general rules or orders from time to time made by the said last mentioned court in respect to such appeals; which orders may amongst other things provide that any such appeal may be heard and determined by a single judge. Practice and proceedings on appeal

(3) The right of appeal hereby given shall not affect the existing law or practice in the province as to setting aside awards. Other remedies not affected

115. Upon payment of legal tender of the compensation or annual rent so awarded or agreed upon to the person entitled to receive the same or upon payment into court of the amount of such compensation in the manner hereinafter mentioned the award or agreement shall vest in the company the power forthwith to take possession of the lands or to exercise the right or to do the thing for which such compensation or annual rent has been awarded or agreed upon; and if any resistance or forcible opposition is made by any person to its so doing the judge shall on proof to his satisfaction of such award or agreement issue his warrant to the sheriff of the judicial district or to a bailiff as he deems most suitable to put down such resistance or opposition and to put the company in possession; and the sheriff or bailiff shall take with him sufficient assistance for such purpose and shall put down such resistance or opposition and put the company in possession. When possession may be taken by company
Where forcible resistance is offered

116. Such warrant shall also be granted by the judge without such award or agreement on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice is necessary to carry on some part of the railway with which the company is ready forthwith to proceed. Warrant for immediate possession in certain cases

117. The judge shall not grant any warrant under the next preceding section unless ten days' previous notice of the time and place when and where the application for such warrant is to be made has been served upon the owner of the land or the person empowered to convey the land or interested in the land sought to be taken or which may suffer damage from the taking of materials sought to be taken or the exercise of the powers sought to be exercised or the doing of the thing sought to be done by the company; and unless the company gives security to his satisfaction by payment into court of a sum in his estimation Procedure upon application for such warrant
Payment into court of compensation

sufficient to cover the probable compensation and costs of the arbitration and not less than fifty per cent. above the amount mentioned in the notice served under section 101 of this Act.

Costs of application

118. The costs of any such application to and of any such hearing before the judge shall be borne by the company unless the compensation awarded is not more than the company had offered to pay; and no part of such money so paid into court or of any interest thereon shall be repaid or paid to such company or paid to such owner or party without an order from the judge which he may make in accordance with the terms of the award.

Payment

Compensation to stand in place of the land

119. The compensation for any lands which may be taken without the consent of the owner shall stand in the stead of such lands and any claim to or encumbrance upon the said lands or any portion thereof shall as against the company be converted into a claim to the compensation or to like proportion thereof; and the company shall be responsible accordingly whenever it has paid such compensation or any part thereof to a person not entitled to receive the same saving always its recourse against such person.

Encumbrances

Payment of compensation into court in certain cases

120. If the company has reason to fear any claim, mortgage, hypothec or encumbrance or if any person to whom the compensation or annual rent or any part thereof is payable refuses to execute the proper conveyances and guarantee or if the person entitled to claim the same cannot be found or is unknown to the company or if for any other reason the company deems it advisable the company may pay such compensation into court with the interest thereon for six months and may deliver to the clerk of such court an authentic copy of the conveyance or of the award or agreement if there is no conveyance; and such conveyance or award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned.

Notice of payment into court

(2) A notice of such payment and delivery in such form and for such time as the court appoints shall be inserted three times within a month in a newspaper if there is any published in the judicial district in which the lands are situated which notice shall state that the title of the company (that is, the conveyance, agreement or award) is under this Act and shall call upon all persons claiming an interest in or entitled to the lands or any part thereof to file their claims to the compensation or any part thereof.

Effect of adjudication

(3) All such claims filed shall be received and adjudicated upon by the court and the adjudication thereon shall forever bar all claims to the land or any part thereof including any dower, mortgage, hypothec or encumbrance upon the same and the court shall make such order for the distribution, payment or investment of the compensation and for the security of the rights of all persons interested as to right and justice and to law appertains.

Costs

(4) The costs of the proceedings in whole or in part including the proper allowances to witnesses shall be paid by the company or by any other person as the court orders and if the order for distribution, payment or investment is obtained in less than six months from the payment of the compensation into court the court shall direct a proportionate part of the interest to

Interest

be returned to the company and if from any error, fault or neglect of the company it is not obtained until after six months have expired the court shall order the company to pay into court as part of the compensation the interest for such period further as is right.

BRANCH LINES.

121. The company may for the purpose of its undertaking construct, maintain and operate branch lines not exceeding in any one case six miles in length from the main line of the railway or from any branch thereof; before commencing to construct any such branch line the company shall obtain the authority of the Minister and comply with the following provisions:

Power to construct branch lines

(2) The company shall make a plan, profile and book of reference showing the proposed location of the branch line and conforming to the requirements of section 72 hereof and shall deposit the same or such parts thereof as relate to each land registration district through which the branch line is to pass in the land registry offices for such districts respectively.

Deposit of plans with land registrars

(3) Upon such deposit the company shall give four weeks' public notice of its intention to apply to the Minister under this section in some newspaper published within twenty miles from any point on the said branch line:

Notice of application to Minister

Provided that the Minister may dispense with or shorten the time of such notice in any case in which he deems it proper.

(4) After the expiration of the notice the company shall submit to the Minister upon such application a duplicate of the plan, profile and book of reference so deposited; the Minister if satisfied that the branch line is necessary in the public interest or for the purpose of giving increased facilities to business and if satisfied with the location of such branch line and the grades and curves as shown on such plan, profile and book of reference may in writing authorize the construction of the branch line in accordance with such plan, profile and book of reference or subject to such changes in location, grades and curves as the Minister may direct and such authority shall limit the time not exceeding two years within which the company shall construct and complete such branch line.

Procedure on application

Limit of time for construction

(5) There shall be deposited with the Minister the authority and the duplicate of such plan, profile and book of reference together with such papers and plans as are necessary to show and explain any changes directed by the Minister under the provisions of subsection 4 of this section; the company shall deposit in the land registry offices mentioned in subsection 2 of this section copies certified as such by the Minister of the authority and of the papers and plans showing the changes directed by him.

Deposit of authority, etc., in land registry offices

(6) Upon compliance with this section all the provisions except sections 73 and 74 of this Act shall apply to the branch line so authorized and to the lands to be taken for such branch line.

Application of Act

(7) No branch line shall be extended under the provisions of this section nor shall any branch line be constructed so as to form in effect an extension of the railway beyond the termini mentioned in the special Act.

No extension is allowed

RAILWAY CROSSINGS AND JUNCTIONS.

Crossing
subject to
approval of
Lieutenant
Governor in
Council

122. The railway of any company shall not be crossed, intersected, joined or united by or with any other railway nor shall any railway be intersected or crossed by any street railway, electric railway or tramway unless the place and mode of the proposed crossing, intersection, union or junction are first approved by the Lieutenant Governor in Council on application therefor of which application ten clear days' notice in writing shall be given by the person or company desiring the approval, such notice to be sent by mail addressed to the president, general manager, managing director, secretary or superintendent of the company whose railway is to be so crossed, intersected, joined or united; and in the case of crossing by street railways, electric railways or tramways respectively the Lieutenant Governor in Council shall have the same powers in all respects as to the protection of such crossing and otherwise as are given the Lieutenant Governor in Council by this Act in regard to one railway crossing another.

Crossings
by street
railways, etc.

Lieutenant
Governor
in Council
may make
regulations

123. The Lieutenant Governor in Council may make such orders and give such directions respecting the proposed crossing, intersection, junction or union and the works to be executed and measures to be taken by the respective companies as to him appear necessary or expedient to secure the public safety.

Necessary
apparatus may
be ordered to
be adopted

124. The Lieutenant Governor in Council may on the application of any company whose railway at rail level crosses or is crossed by the railway of another company direct such companies to adopt and put in use at such crossing within a reasonable time to be fixed by the Lieutenant Governor in Council such an interlocking switch, derailing device, signal system, equipments, appliances and materials as in the opinion of the said Lieutenant Governor in Council renders it safe to permit engines and trains to pass over such crossing without being brought to a stop.

Proportion of
expenses to be
paid by each
company

125. The companies may agree with each other as to the compensation to be paid by one to the other in respect of any crossing, intersection, junction or union or the proportion to be borne by each of the costs of executing any work or taking any measure or the carrying out of any order of the Lieutenant Governor in Council; but if they fail so to agree the amount of such compensation or the proportion of such costs so to be borne by each shall be determined by the Lieutenant Governor in Council.

126. In all cases under the last four preceding sections if it is necessary for the company to obtain the approval of The Board of Railway Commissioners for Canada it shall do so in addition to otherwise complying with the terms of the said sections.

NAVIGATION, BRIDGES, ETC.

Navigation
not to be
obstructed

127. No company shall cause any obstruction in or impede the free navigation of any river, water, stream or canal to, upon, along, over, under, through or across which its railway is carried.

128. No company shall run its trains over any canal or over any navigable water without having first laid and without maintaining such proper flooring under and on both sides of its railway track over such canal or water as is deemed by the Minister sufficient to prevent anything falling from the railway into such canal or water or upon the boats, vessels, craft or persons navigating such canal or water. Bridges to be properly floored

129. No company shall construct any wharf, bridge, pier or other work upon or over any navigable river or lake or upon the beach or bed or lands covered with the waters thereof until it has first submitted the plan and proposed site of such work to the Minister and the same has been approved and no deviation from such approved site or plan shall be made without the consent of the Minister. Plan of bridges, etc., to be approved

130. The Minister may authorize or require any company to construct fixed and permanent bridges or swing, draw or moveable bridges or to substitute any of such bridges for existing bridges on the line of its railway within such time as the Minister directs; and for every day after the period so fixed during which the company fails to comply with the directions of the Minister it shall forfeit and pay to His Majesty the sum of two hundred dollars; and no company shall substitute any swing, draw or moveable bridge for any fixed or permanent bridge without the previous consent of the Minister. Substitution of one form of bridge for another

HIGHWAY CROSSING.

131. The railway may be carried upon, along or across an existing highway upon leave therefor having been first obtained from the Lieutenant Governor in Council as hereinafter provided; but the Lieutenant Governor in Council shall not grant leave to any company to carry any street railway or tramway or any railway operated or to be operated as a street railway or tramway along any highway which is within the limits of any city or incorporated town until the company has first obtained consent therefor by by-law of the municipal authority of such city or incorporated town. Railway on highway
Consent of municipality

(2) No obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages and on completion of the works restoring the highway to a good condition as nearly as possible as it was originally. No obstruction permitted
Restoration of highway

(3) Every company which violates the provisions of this section shall incur a penalty of not less than forty dollars for each such violation. Penalty

132. Whenever the railway crosses any highway at rail level whether the level of the highway remains undisturbed or is raised or lowered to conform to the grade of the railway the top of the rail may when the works are completed rise above or sink below the level of the highway to the extent of one inch without being deemed an obstruction unless otherwise directed by the Lieutenant Governor in Council. Variation of inch between rail and levels of highway permitted

Plan of crossing of highways to be submitted

Powers of the Lieutenant Governor in Council in such cases

Detail to be approved by the Minister

Height of bridge

All structures must be safely constructed and maintained

Inclination of highway

Signboards at level crossings

Penalty

133. Upon any application for leave to construct the railway upon, along or across an existing highway or to construct a highway across an existing railway, the applicant shall submit a plan and profile of such crossing showing the portion of highway or railway affected to the Lieutenant Governor in Council; the Lieutenant Governor in Council may by order grant such application upon such terms and conditions as to protection, safety and convenience of the public as he may deem expedient or may order that the highway be carried over or under the railway or be temporarily or permanently diverted and that such works be executed, watchmen or other persons employed or measures taken as under the circumstances appear to the Minister best adapted to remove or diminish the danger or obstruction arising or likely to arise therefrom.

(2) When the Lieutenant Governor in Council orders that the highway be carried over or under the railway or any works to be executed the Minister may direct that the detailed plans, profiles, drawings and specifications of all necessary structures shall before construction be submitted to and approved by him; the Minister may make regulations respecting the plans, profiles, drawings and specifications required to be submitted under this section.

134. The highway at any overhead railway crossing shall not at any time be narrowed by means of any abutment or structure to an extent of less than twenty feet nor shall the clear headway from the surface of the highway to the centre of any overhead structure constructed after the passing of this Act be less than fourteen feet unless otherwise directed or permitted by the Minister.

135. Every structure by which any highway is carried over or under any railway shall be so constructed and at all times be so maintained as to afford safe and adequate facilities for all traffic passing over, under or through such structure.

136. The inclination of the ascent or descent as the case may be of any approach by which any highway is carried over or under any railway or across it at rail level shall not be greater than one foot of rise or fall for every twenty feet of the horizontal length of such approach unless the Minister directs otherwise; and a good and sufficient fence shall be made on each side of such approach and of the structure connected with it which fence shall be at least four feet six inches in height from the surface of the approach or structure.

137. Signboards at every highway crossed at rail level by any railway shall be erected and maintained at each crossing and shall have the words "railway crossing" painted on each side of the signboard in letters at least six inches in length and every company which neglects to comply with the requirements of this section shall incur a penalty not exceeding forty dollars.

FARM CROSSING.

138. Every company shall make crossings for persons across whose lands the railway is carried convenient and proper

for crossing the railway for farm purposes but such crossings shall not be less than sixteen feet in width; in crossing with live stock the same shall be in charge of some competent person who shall use all reasonable care and precaution to avoid accidents.

(2) The Minister may upon the application of any land owner order the company to provide and construct a suitable farm crossing across the railway wherever in any case the Minister deems it necessary for the proper enjoyment of the owner's land on either side of the railway and safe in the public interest; and may order and direct how, when, where, by whom and upon what terms and conditions such farm crossing shall be constructed and maintained.

Necessary crossings may be ordered by Minister

TELEGRAPH AND TELEPHONE LINES.

139. Subject to the provisions of subsections 2 and 3 of this section the company may construct and operate an electric telegraph line and a telephone line throughout and along the whole line of railway and the branches thereof or any part of the said railway or branches for the purposes of its undertaking:

Telephone and telegraph lines

Provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of the said city, town or village being first obtained by the company:

Proviso

Provided also that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

(2) No lines or wires for telegraphs, telephones or the conveyance of light, heat, power or electricity shall be erected, placed or maintained across the railway without leave of the Minister.

Wires, etc., across railway

(3) Upon any application for such leave the applicant shall submit to the Minister a plan and profile of the part of the railway proposed to be affected showing the proposed location of such lines and wires and works contemplated in connection therewith; and the Minister may grant such application and may order by whom, how, when and on what terms and conditions and under what supervisions such work shall be executed; and upon such order being made such lines and wires may be erected, placed and maintained across the railway subject to and in accordance with such order.

Plans to be submitted to Minister

Order by Minister

(4) Whenever any municipal corporation or person has authority to construct, operate and maintain a telephonic system in any district and is desirous of obtaining telephonic connection or communication with or within any station or premises of the company in such district and cannot agree with the company with respect thereto such municipal corporation or person may apply to the Minister for leave therefor; and the Minister may order the company to provide for such connection or communication upon such terms as to compensation or otherwise as the Minister deems just and expedient and may order and direct how, when, where, by whom and upon what terms and condition such telephonic connection or communication shall be constructed, operated and maintained.

Municipal telephone system connections with

(5) Notwithstanding anything in any Act contained the Minister in determining the terms or compensation upon which any such connection or communication is to be provided for, shall not take into consideration any contract, lease or agree-

ment now or hereafter in force by which the company has given or gives any exclusive or other privilege to any company or person other than the applicant, with respect to any such station or premises.

Government
may have
exclusive use
of telegraph
wires, etc.

140. The company shall when required so to do by the Lieutenant Governor in Council or any person authorized by him place any electric telegraph or telephone lines and the apparatus and operators it has at the exclusive use of the Government of the province receiving thereafter reasonable compensation for such service.

Compensation

Government
may erect wires
on right of way

141. The Lieutenant Governor in Council may at any time cause a line or lines of electric telegraph or telephone to be constructed along the line of the railway for the use of the province and for that purpose may enter upon and occupy so much of the lands of the company as is necessary for the purpose.

DRAINAGE.

Drainage
by company

142. The company shall in constructing the railway make and maintain suitable ditches and drains along each side of and across and under the railway to connect with ditches, drains drainage works and watercourses upon the lands through which the railway runs so as to afford sufficient outlet to drain and carry off the water and so that the then natural, artificial or existing drainage of the said lands shall not be obstructed or impeded by the railway.

SWITCHES AND SIDINGS TO INDUSTRIES.

Expropriation
with consent of
municipality in
certain cases

143. In case the council of a municipality by by-law declares that it is desirable and expedient that an elevator or manufactory or other industry or business should have a siding or switch from any railway to the premises of such elevator, manufactory, industry or business, and that the company should have powers of expropriation for the purpose of securing, within the limits of the municipality, the necessary right-of-way for that purpose as set forth in the by-law, and if the Minister certifies that the building of the proposed siding or switch across the lands as set forth in the by-law will be for the advantage or convenience of the public, the company, upon the registration by the council of the by-law and certificate in the office of the registrar of land titles for the land registration district in which the land to be expropriated is situated, shall in respect of the said lands, possess the powers of expropriation conferred by this Act:

Proviso

Provided however that no such by-law shall be passed by the council of any municipality until all owners of lands across which the proposed siding or switch is to run, have had at least one week's previous notice in writing of the time when such by-law is to be considered by the said council.

Tracks, etc.,
not to be used
for other
purposes

(2) The tracks of the sidings or switches constructed or laid by the company under this section shall not be used for any purpose other than for the purposes mentioned, except by leave of the Minister and subject to such terms and conditions as he sees fit to impose.

(a) Where an industry or business is established, or intended to be established, within six miles of a railway, and the owner of such industry or business, or the person intending to establish the same, is desirous of obtaining railway facilities in connection therewith, but cannot agree with the company as to the construction and operation of a spur or branch line from the railway thereto, the Minister may, on the application of such owner or person and upon being satisfied of the necessity for such spur or branch line in the interests of trade, order the company to construct, maintain and operate such branch line or spur, and may direct such owner or person to deposit in some chartered bank such sum or sums as are by the Minister deemed sufficient, or are by him found to be necessary to defray all expenses of constructing and completing the spur or branch line in good working order, including the cost of the right-of-way, incidental expenses and damages; and the amount so deposited shall from time to time be paid to the company upon the order of the Minister, as the work progresses;

Branch lines to industry within six miles of railway may be ordered by Minister

Deposit to be made by owner of industry

Payments therefrom to company

(b) The aggregate amount so paid by the applicant in the construction and completion of the said spur or branch line shall be repaid or refunded to the applicant by the company by way of rebate, to be determined and fixed by the Minister out of or in proportion to the tolls charged by the company in respect of the carriage or traffic for the applicant over the said spur or branch line; and until so repaid or refunded the applicant shall have a special lien therefor upon such branch line, to be reimbursed by rebate as aforesaid;

Owner to be refunded by rebate on tolls

Owner's lien until reimbursed

(c) Upon repayment by the company to such applicant of all payments made by the applicant upon such construction, the said spur or branch line, right-of-way and equipment shall become the absolute property of the company, free from any such lien.

Discharge of lien

FENCES, GATES AND CATTLE GUARDS.

144. Lawful fences shall be erected and maintained on each side of the railway with openings or gates or bars or sliding or hurdle gates of sufficient width for the purposes thereof, but not less than sixteen feet, with proper fastenings at farm crossings of the railway; and also cattle guards at all highway crossings, suitable and sufficient to prevent cattle and other animals from getting on the railway.

Fences, cattle guards, etc.

(2) A hurdle gate has proper fastenings if it is fifteen inches longer than the opening and is supported at each end by two upright posts.

Fastenings at hurdle gates

145. If the company omits to erect and complete as aforesaid any fence or cattle guard or if after it is completed the company neglects to maintain the same as aforesaid and if in consequence of such omission or neglect any animal gets upon the railway from an adjoining place where under the circumstances it might properly be then the company shall be liable to the owner of every such animal for all damages in respect of it caused by any of the company's trains or engines; and no animal which is not liable to be impounded for running at large shall be held to be improperly on a place adjoining the railway merely for the reason that the owner or occupant of such place has not permitted it to be there.

Omission or neglect to make fences

146. (Repealed—1914, c. 2, s. 12.)

Time for
construction
if land is
occupied

147. If the land through or by which the railway passes is occupied at the time of the construction of the railway opposite thereto the company shall make such fences, gates and cattle guards as they lay their rails.

Fencing
at crossing

148. At every public road crossing at rail level of the railway the fence on both sides of the crossing and on both sides of the track shall be turned into the cattle guards so as to allow of the safe passage of trains.

Gates at farm
crossing to be
kept closed

149. The persons for whose use farm crossings are furnished shall keep the gates at each side of the railway closed when not in use; and no person any of whose cattle are killed by any train owing to the nonobservance of this section shall have any right of action against any company in respect of the same being so killed.

Penalty for
leaving gates
open

150. Every person who wilfully leaves any such gate open without some person being at or near it to prevent animals from passing through it on to the railway or who takes down any part of a railway fence or turns any horse, cattle or other animal upon or within the enclosure of such railway is liable on summary conviction to a penalty of twenty dollars for each offence and shall also be liable to the railway company for any damage to the property of the company or for which the company is responsible by reason of such gate being so left open or by reason of such fence being so taken down or by the turning upon or within the enclosure of such railway of any horse, cattle or other animal; and no person any of whose cattle are killed by any train owing to the nonobservance of this section shall have any right of action against any company in respect of the same being so killed.

Company not
liable in such
cases

BRIDGES, TUNNELS AND OTHER STRUCTURES.

Headway
respecting
bridges and
tunnels

151. Every bridge, tunnel or other erection or structure over, through or under which any railway now or hereafter passes shall be so constructed and if need be be reconstructed or altered within such time as the Minister may order and shall thereafter be so maintained as to afford at all times an open and clear headway of at least seven feet between the top of the highest freight car used on the railway and the lowest beams, members or portions of that part of such bridge, tunnel, erection or structure which is directly over the space liable to be traversed by such car in passing thereunder; but in no case shall the space between the rail level and such beams, members or portions of any such structure hereafter constructed be less than twenty-two feet six inches unless by leave of the Minister.

Powers of
Minister where
owners refuse
to permit
compliance

(2) If in any case it is necessary to raise, reconstruct or alter any bridge, tunnel erection or structure not owned by the company the Minister upon application of the company and upon notice to all parties interested or without any application may make such order allowing or requiring such raising, reconstruction or alteration upon such terms and conditions as to him shall appear just and proper and in the public interest.

(3) The Minister may exempt from the operation of this section any bridge, tunnel, erection or structure over, through or under which no trains are run except such as are equipped with air brakes. Minister may exempt certain bridges

(4) Every company or owner shall incur a penalty not exceeding fifty dollars for each day of wilful neglect, omission or refusal to obey the provisions of this section. Penalty

152. With respect to all bridges, tunnels, viaducts, trestles or other structures through, over or under which the company's trains are to pass the span or proposed span or spans or length of which exceeds eighteen feet the company shall not commence the construction or reconstruction of or any material alteration in any such bridge, viaduct, tunnel, trestle or other structure until leave therefor has been obtained from the Minister unless such construction, reconstruction or alteration is made in accordance with standard specifications and plans approved of by the Minister. Bridges, etc., over eighteen feet long

(2) Upon any application to the Minister for such leave the company shall submit to the Minister the detail plans, profiles, drawings and specifications of any such work proposed to be constructed and such other plans, profiles, drawings and specifications as the Minister may in any case or by regulation require. Proceedings before construction

WAGES OF LABOURERS.

153. In every case in which the Legislative Assembly grants financial aid by way of subsidy or guarantee towards the cost of railway construction all mechanics, labourers or other persons who perform labour in such construction shall be paid such wages as are generally accepted as current for competent workmen in the district in which the work is being performed; and if there is no current rate in such district then a fair and reasonable rate; and in the event of a dispute arising as to what is the current or a fair and reasonable rate it shall be determined by the Minister whose decision shall be final. Rate of wages of labourers on construction of lines subsidized by the Legislature

154. No railway company within the jurisdiction or legislative power or control of the Legislature of Alberta shall be relieved from liability for damages for personal injury to any workman, employee or servant of such company, nor shall any action or suit by such workman, employee or servant, or in the event of his death by his personal representatives, against the company be barred or defeated by reason of any notice, condition or declaration made or issued by the company, or made or issued by any insurance or provident society or association of railway employees formed, or purporting to be formed, under such Act; or by reason of any rules or by-laws of the company, or rules or by-laws of the society or association; or by reason of the privity of interest or relation established between the company and the society or association, or the contribution or payment of moneys of the company to the funds of the society or association; or by reason of any benefit, compensation or indemnity which the workman, employee or servant, or his personal representatives, may become entitled to or obtain from such society or association or by membership therein; or by reason of any express No agreement with employees to relieve company from liability for personal injury

or implied acknowledgment, acquittance or release obtained by the company or the society or association prior to the happening of the wrong or injury complained of, or the damage accruing to, the purport or effect of relieving or releasing the company from liability for damages for personal injuries as aforesaid.

INSPECTING ENGINEERS.

Appointment
of inspecting
engineers

Duties of
company
respecting
inspecting
engineers

155. Inspecting engineers may be appointed by the Minister subject to the approval of the Lieutenant Governor in Council.

(2) Every company and the officers and directors thereof shall afford to any inspecting engineer such information as is within their knowledge and power in all matters inquired into by him and shall submit to such inspecting engineer all plans, specifications, drawings and documents relating to the construction, repair or state of repair of the railway or any portion thereof.

Inspecting
engineers may
travel free

(3) Every such inspecting engineer shall have the right while engaged in the business of such inspection to travel without charge on any of the ordinary passenger trains running on the railway and to use without charge the telegraph wires and machinery in the offices of or under the control of any such company.

Transmission
of telegrams

(4) The officers or operators employed in the telegraph offices of or under the control of the company shall without unnecessary delay obey all orders of any such inspecting engineer for transmitting messages; and every such operator or officer who neglects or refuses so to do shall for every such offence be liable on summary conviction to a penalty of forty dollars.

Penalty
upon failure

Proof of
engineer's
authority

(5) The production of his appointment in writing signed by the Minister shall be sufficient evidence of the authority of such inspecting engineer.

Penalty for
obstructing
inspecting
engineers

(6) Every person who wilfully obstructs any inspecting engineer in the execution of his duty is liable on summary conviction to a penalty not exceeding forty dollars; and default of payment thereof forthwith or within such time as the convicting justice or justices of the peace appoint, to imprisonment with or without hard labour for any term not exceeding three months.

INSPECTION OF THE RAILWAY BEFORE OPENING.

Leave of
Minister
before
opening

156. No railway or any portion thereof shall be opened for the carriage of traffic other than for the purposes of the construction of the railway by the company until leave therefor has been obtained from the Minister as hereinafter provided.

Proceedings

(2) When the company is desirous of so opening its railway or any portion thereof it shall make an application to the Minister, supported by affidavit of its president, secretary, engineer or one of its directors to the satisfaction of the Minister, alleging that the railway or portion thereof desired to be so opened is in his opinion sufficiently completed for the safe carriage of traffic and ready for inspection and request the Minister to authorize the same to be opened for such purpose.

Affidavit

Inspection

(3) Before granting such application the Minister shall direct an inspecting engineer to examine the railway or portion thereof

proposed to be opened; and if the inspecting engineer reports to the Minister, after making such examination, that in his opinion the opening of the same for the carriage of traffic will be reasonably free from danger to the public using the same the Minister may make an order granting such application in whole or in part and may name the time therein for the opening thereof; and thereupon the railway or such portion thereof as is authorized by the Minister may be opened for traffic in accordance with such order.

When opening reported to be safe

Order of Minister

(4) But if such inspecting engineer after the inspection of the railway or the portion thereof shall report to the Minister that in his opinion the opening of the same would be attended with danger to the public using the same by reason of the incompleteness of the works or permanent way or the insufficiency of the construction or equipment of such railway or portion thereof he shall state in his report the grounds for such opinion and the company shall be entitled to notice thereof and shall be served with a copy of such report and grounds and the Minister may refuse such application in whole or in part or may direct a further or other inspection and report to be made.

When opening reported to be dangerous

Notice to be served on company

(5) If thereafter upon such further or other inspection or upon a new application under this section the inspecting engineer reports that such railway or portion thereof may be opened without danger to the public the Minister may make the like order as provided in subsection 3 of this section and thereupon the railway or such portion thereof as is authorized by the Minister may be opened for traffic in accordance therewith.

Provision for further inspection

(6) The Minister upon being satisfied that public convenience will be served thereby may after obtaining a report of an inspecting engineer allow the company to carry freight traffic over any portion of the railway not open for the carriage of traffic in accordance with the preceding provisions of this section.

Leave to carry freight traffic

(7) If any railway or portion thereof is opened contrary to the provisions of this section the company or person to whom such railway belongs shall forfeit to His Majesty the sum of two hundred dollars for each day on which the same is or continues open until such order is obtained.

Opening without leave of Minister

Penalty

157. Whenever any complaint is made to the Minister or the Minister receives information that any railway or any portion thereof is dangerous to the public using the same from want of renewal or repair or insufficient or erroneous construction or from any other cause or whenever circumstances arise which in his opinion render it expedient the Minister may direct an inspecting engineer to examine the railway or any portion thereof; and upon the report of the inspecting engineer may order any repairs, renewal, reconstruction, alteration or new work, materials or equipment to be made, done or furnished by the company upon, in addition to or substitution for any portion of the railway which may from such report appear to the Minister necessary or proper and may order that until such repairs, renewals, reconstruction, alteration and work, materials or equipment are made, done and furnished to his satisfaction, no such portion of the railway in respect of which such order is made shall be used or used otherwise than subject to such restrictions, conditions and terms as the Minister may in such order impose; and the

Where railway out of repair

Minister may order repairs, etc.

May enjoin portions of railway pending repairs

Or of
equipment

Minister may by such order condemn and thereby forbid further use of any rolling stock which from such report it may consider unfit to repair or use further.

Penalty for
noncompliance

(2) If after notice of any such order made by the Minister the company shall use any rolling stock after the same has been so condemned by the Minister or shall disobey or fail to comply with any order of the Minister made under this section the company shall for each act of disobedience forfeit to His Majesty the sum of one thousand dollars; and any person wilfully and knowingly aiding or abetting any such violation shall be guilty of an offence and on conviction thereof shall be liable to a penalty of not less than twenty dollars nor more than two hundred dollars.

Aiding and
abetting

Inspecting
engineer may
in case of
danger
issue pro-
hibitions

158. If in the opinion of any inspecting engineer it is dangerous for any trains to pass over any railway or any portion thereof until alterations, substitutions or repairs are made thereon or that any of the rolling stock should be run or used the said engineer may by notice forthwith either forbid the running of any train over such railway or portion of railway or require that the same be run only at such times under such conditions and with such precautions as he by notice specifies and he may forbid the running or using of any such rolling stock by serving upon the company owning, running or using such railway or any officer having the management or control of the running of trains on such railway a notice in writing to that effect with his reasons therefor in which he shall distinctly point out the defects or the nature of the danger to be apprehended; and for every act of noncompliance therewith such company shall forfeit to His Majesty the sum of one thousand dollars.

Procedure

Reasons and
defects must
be stated

Penalty

Report of
inspecting
engineer
Action thereon
Notice

(2) The inspecting engineer shall forthwith report the same to the Minister, who may either confirm, modify or disallow the act or order of such engineer and notice of such confirmation, modification or disallowance shall be duly given to the company.

Prosecution
for penalties
must be
authorized

159. No prosecution for any penalty under the last two preceding sections shall be instituted without the authority of the Minister first had and obtained.

TRAINS.

Train
equipment
to be
provided
Communi-
cation with
engine driver

160. Every company shall provide and cause to be used on all trains modern and efficient apparatus, appliances and means—

(a) To provide immediate communication between the conductor while in any car of any passenger train and the engine driver;

Brakes

(b) To check at will the speed of the train and bring the same safely to a standstill as expeditiously as possible and except under circumstances of sudden danger or emergency, without causing undue discomfort to the passengers if any on the train, including a power drive wheel brake and appliances for operating the train brake system upon the locomotive and having a sufficient number of cars in every train so equipped with power or train brakes so that the engineer on the locomotive drawing such train can control its speed

or bring it to a stop in the quickest and best manner possible without requiring brakemen to use the common hand brake for that purpose; and on all trains carrying passengers such system of brakes shall comply with the following requirements:

- (i) The brakes shall be continuous and must be instantaneous in action and capable of being applied at will by the engine driver or any brakeman; On trains carrying passengers the brakes must be continuous and instantaneous
 - (ii) The brake must be self-applying in the event of any failure in the continuity of its action; Be self-applying in case of accident
 - (c) To securely couple and connect the cars composing the train and to attach the engine to such train with couplers which couple automatically by impact and which can be uncoupled without the necessity of men going in between the ends of the cars. Couplers
 - (2) All box freight cars of the company built after the passing of this Act shall be equipped with the following attachments for the security of railway employees: Box freight cars to be provided with ladders
 - (a) Outside ladders on two of the diagonally opposite ends and sides of each car projecting below the frame of the car with one step or rung of the ladder below the frame, the ladders being placed close to the ends and sides to which they are attached;
 - (b) Hand grips placed anglewise over the ladders of each box car and so arranged as to assist persons in climbing on the roof by means of the ladder.
 - (3) Every company shall adopt and use upon all its rolling stock such height of draw bars as the Minister determines in accordance with any standard from time to time adopted by competent railway authorities. Height of drawbars
 - (4) Every company which fails to comply with any of the provisions of this section shall forfeit to His Majesty a sum not exceeding two hundred dollars for every day during which such default continues and shall as well be liable to pay to all such persons as are injured by reason of the noncompliance with these provisions or to their representatives such damages as they are legally entitled to notwithstanding any agreement to the contrary with regard to any such person unless such agreement is conformable to the law of the province and is authorized by regulation of the Minister: Penalty for noncompliance
Damages
Agreements to contrary invalid
- Provided however that no proceedings shall be instituted to enforce or recover any forfeiture to His Majesty under this section without the consent of the Minister first obtained. Consent to prosecution

161. The Minister may upon application order that any apparatus or appliance specified in such order shall when used upon the train in the manner and under circumstances in such order specified be deemed sufficient compliance with the provisions of the last preceding section but the Minister shall not by such order allow any exception to or modification of the requirements of such section; but the Minister may by general regulation or in any particular case on good cause shown from time to time extend the period within which such appliance shall be used. Power of Minister respecting train equipment
Limitation upon power
Discretion as to enforcing use of brakes, couplers, etc.

(2) The Minister shall endeavour to provide for uniformity in the construction of rolling stock to be used upon the railway and for a uniformity of rules for the operation and running of Power to regulate running and operation of trains

trains; and may make regulations designating the number of men to be employed upon trains or providing that coal shall be used on all locomotives instead of wood in any district and generally for the protection of property and the protection, safety, accommodation and comfort of the public and the employees of the company with respect to the running and operation of trains by the company.

Bell and
whistle on
locomotive

162. Every locomotive engine shall be equipped and maintained with a bell of at least thirty pounds weight and with a steam whistle and shall while in use be equipped with a proper headlight which shall be lighted half an hour before dark and kept lighted during darkness.

Proper safety
chains, etc.,
to be
provided

163. The company shall provide and at all times maintain proper safety chains or other safety appliances between each of its engines and the accompanying tender sufficiently strong to withstand any usual strain which may be put upon the same by reason of the drawbar breaking; any company failing to comply with the provisions of this section shall in addition to any claims for damages to which it may be liable by reason of injury to any of its employees lawfully upon such engine or tender be liable to a penalty not exceeding \$500.

Dump ash pans
to be provided
on engines

164. All engines of the company shall be equipped with dump ash pans to enable the engine men to empty ashes without the necessity of going under the engine; any company failing to comply with the provisions of this section shall in addition to any claims for damages by reason of injury to any engine man in the lawful pursuit of his duty be liable to a penalty not exceeding \$500.

Stock chutes,
mail cranes,
elevator spouts
not allowed
within two feet
of cab of engine

165. Stock chutes, mail cranes and elevator spouts if maintained along the company's right-of-way shall not be maintained nearer than two feet from the side of the widest cab on any engine of the company; any company or person whose duty it is to observe the requirements of this section shall upon neglect or failure to do so in addition to any claims for damages by reason of injury to any of the company's employees lawfully in pursuit of his employment be liable to a penalty not exceeding \$500.

Company not
to operate
double cab
engines

166. The company shall not operate on its railway any engine known as a "Mother Hubbard" engine by which term is meant an engine with two separate cabs one for the driver and the other for the fireman unless the company provides for the services of a third employee to be present in the driver's cab during all the times when the same is operated.

Proviso

Qualifications
of engine
drivers

167. The company shall not permit any person to have charge of any of its engines as driver unless such person shall in addition to the qualification required of the company's employees under the general rules of the company have had at least three years experience as a locomotive fireman.

Accommoda-
tion for
passengers
and freight
at stations

168. The company shall according to its powers furnish at the place of starting and at the junction of the railway with other railways and at all stopping places established for such

purpose adequate and suitable accommodation for the receiving and loading of all traffic offered for carriage upon the railway and shall furnish adequate and suitable accommodation for the carrying, unloading and delivering of all such traffic and shall without delay and with due care and diligence receive, carry and deliver all such traffic and shall furnish and use all proper appliances, accommodation and means necessary therefor.

Train accom-
modation

Duties
respecting
transportation

(2) Such traffic shall be taken, carried to and from and delivered at such places on the due payment of the toll lawfully payable therefor.

Payment
of tolls

(3) Every person aggrieved by any neglect or refusal in the premises shall subject to this Act have an action therefor against the company from which action the company shall not be relieved by any notice, condition or declaration if the damage arises from any negligence or omission of the company or of its servant.

Right of
action
on default
Condition
against
negligence
invalid

(4) If in any case such accommodation is not in the opinion of the Minister furnished by the company the Minister may order the company to furnish the same within such time or during such period as he deems expedient having regard to all proper interests or may prohibit or limit the use either generally or upon any specified railway or part thereof of any engines, locomotives, cars, rolling stock, apparatus, machinery or devices or any class or kind thereof not equipped as required by this Act or by any order or regulation of the Minister made within his jurisdiction under the provisions of this Act.

Accommoda-
tion may be
ordered by
Minister

(5) Where a company's railway crosses or joins or approaches (in the opinion of the Minister) sufficiently near to any other railway upon which passengers or mails are transported whether the last mentioned railway is within the legislative authority of the Legislature of Alberta or not the Minister may order the company to so regulate the running of its trains carrying passengers or mails and the places and times of stopping them as to afford reasonable opportunity for the transfer of passengers and mails between the railway and such railway and may order the company to furnish reasonable facilities and accommodation for such purpose.

169. All regular trains shall be started and run as near as practicable at regular hours fixed by public notice.

Regularity in
train time

170. Every servant of the company employed in a passenger train or at a station for passengers shall wear upon his hat or cap a badge which shall indicate his office and he shall not without such badge be entitled to demand or receive from any passenger any fare or ticket or to exercise any of the powers of his office or meddle or interfere with any passenger or his baggage or property.

Officials to
wear badges

171. Any passenger refusing to pay his fare may with his baggage by the conductor of the train and the servants of the company be expelled from and put out of the train at any usual stopping place or near any dwelling house as the conductor elects; the conductor first stopping the train and using no unnecessary force.

Passengers
refusing to
pay fare

No claim
for injuries
in certain
cases

172. No person injured while on the platform of a car or on any baggage or freight car in violation of the printed regulations posted up at the time shall have any claim in respect of the injury if room inside of the passenger cars sufficient for the proper accommodation of the passengers was furnished at the time.

Position of
passenger cars

173. No passenger train shall have any freight merchandise or lumber car in the rear of any passenger car in which any passenger is carried.

Checks

174. A check shall be affixed by the company to every parcel of baggage having a handle, loop or suitable means for attaching a check thereupon and a duplicate of such check shall be given to the passenger delivering the same.

Excess
baggage

(2) In case of excess baggage the company shall be entitled to collect from the passenger before affixing any such checks the toll authorized under this Act.

Liability for
refusing
to check
baggage

(3) If such check is improperly refused on demand the company shall be liable to such passenger for the sum of one hundred dollars which shall be recoverable in a civil action.

Transportation
of dangerous
goods

175. No passenger shall carry nor shall the company be required to carry upon its railway gunpowder, dynamite, nitro glycerine or any other goods which are of a dangerous or explosive nature and any person who sends by the railway any such goods without distinctly marking their nature on the outside of the package containing the same and otherwise giving notice in writing to the station agent or employee of the company whose duty it is to receive such goods and to whom the same are delivered or who carries or takes upon any train any such goods for the purpose of carriage shall forfeit to the company the sum of five hundred dollars for every such offence.

Nature must
be marked
on outside

Notice

Penalty

Company may
refuse to carry

176. The company may refuse to take any package or parcel which it suspects to contain goods of a dangerous nature or may require the same to be opened to ascertain the fact.

Trains to
stop at
swing bridges

177. When any railway passes over any navigable water or canal by means of a draw or swing bridge which is subject to be opened for navigation every train shall before coming on or crossing over such bridge be brought to a full stop and shall not proceed until a proper signal has been given for that purpose and in default the company shall be liable to a penalty not exceeding five hundred dollars; any employee failing to comply with the rules of the company as to compliance with the provisions of this section shall be liable to the like penalty or to six months imprisonment or to both.

Where safety
devices
installed
Minister may
otherwise
order

(2) Wherever there is adopted or in use on any railway at any such bridge an interlocking switch and signal system or other device which in the opinion of the Minister renders it safe to permit engines and trains to pass over such bridge without being brought to a stop the Minister may by order permit engines and trains to pass over such bridge without stopping under such regulations as to speed and other matters as the Minister deems proper.

178. When any train is approaching a highway crossing at rail level (except within the limits of cities or towns where the municipal authority may pass by-laws prohibiting the same) the engine whistle shall be sounded at least eighty rods before reaching such crossing and then the bell shall be rung continuously until the engine has crossed such highway and the company shall for each neglect to comply with the provisions of this section incur a penalty of twenty dollars and shall also be liable for all damage sustained by any person by reason of such neglect; and every employee of the company who neglects to comply with this section shall for each offence be subject to a like penalty.

Use of bell
and whistle

Penalty for
noncompliance

Damages

Penalty on
employee

Whistle posts
to be erected

Automatic
bell ringers

(2) And for the better compliance with the provisions of this section the company shall erect and maintain on its right-of-way and at points eighty rods on each side of all highway crossings whistleposts, which shall be painted white and shall be not less than six feet high and on which shall be painted with black paint the letter "W" and such letter shall be not less than ten inches in length and the company shall also equip each of its engines with an automatic bell ringer.

179. No train or engine shall pass over any crossing where two main lines of railway cross each other at rail level until a proper signal has been received by the conductor or engineer in charge of such train or engine from a competent person or watchman in charge of such crossing that the way is clear:

Signal at
railway level
crossings

Provided always that in the case of an electric street railway car crossing any railway track not properly protected it shall be the duty of the conductor before crossing to go forward and see that the track to be crossed is clear before giving the signal to the motorman that the way is clear and to proceed.

Electric
street
railway
crossings

(2) Every main track of a branch line is a main line within the meaning of this section which shall apply whether the said lines be owned by different companies or by the same company.

Application
of section

180. Every train shall before it passes over any such crossing as in the next preceding section mentioned be brought to a full stop; but whenever there is in use at any such crossing an interlocking switch and signal system or other device which in the opinion of the Minister renders it safe to permit engines and trains or electric cars to pass over such crossing without being brought to a stop the Minister may by order permit such engines and trains and cars to pass over such crossing without stopping under such regulations as to speed and other matters as he deems proper.

Stoppage of
trains at rail
level crossings

Where safety
devices are
installed the
Minister may
otherwise order

181. No train shall pass in or through any thickly peopled portion of any city, town or village at a speed greater than ten miles an hour unless the track is fenced or properly protected in the manner prescribed in this Act or unless permission is given by some regulation or order of the Minister; the Minister may limit such speed in any case to any rate which he deems expedient.

Rate of speed
in unfenced
portions
of city

182. Whenever in any city, town or village any train is passing over or along a highway at rail level and is not headed by an engine moving forward in the ordinary manner the company shall station on the then foremost part of the train or of the

Trains or
cars moving
reversely
in cities

tender if that is in front a person who shall warn persons standing on or crossing or about to cross the track of such railway; and for every violation of the provisions of this section or of any of the three sections next preceding the company shall incur a penalty of one hundred dollars.

Train must
not stand on
rail level
crossings
more than five
minutes

183. Whenever any railway crosses any highway at rail level the company shall not nor shall its officers, agents or employees wilfully permit any engine, tender or car or any portion thereof to stand on any part of such highway for a longer period than five minutes at one time or in shunting to obstruct public traffic for a longer period than five minutes at any one time or in the opinion of the Minister unnecessarily interfere therewith.

Penalty

(2) In every case of a violation of this section every such officer, agent or employee who has directly under or subject to his control, management or direction any engine, tender or car which or any portion of which is allowed to stand on such highway longer than the time specified in this section is liable on summary conviction to a penalty not exceeding fifty dollars and the company is also liable for each such violation to a like penalty:

Where
violation
excusable

Provided always that if such alleged violation is in the opinion of the court excusable the action for the penalty may be dismissed and costs shall be in the discretion of the court.

Interpretation

184. In this section the expression "packing" means a packing of wood or metal or some equally substantial and solid material of not less than two inches in thickness and which where by this section any space is required to be filled in shall extend to within one and a half inches of the crown of the rails in use on any such railway, shall be neatly fitted so as to come against the web of such rails and shall be well and solidly fastened to the ties on which such rails are laid.

Packing

Packing
of frogs, etc.

(2) The spaces behind and in front of every railway frog or crossing and between the fixed rails of every switch where such spaces are less than four inches in width shall be filled with packing up to the under side of the head of the rail.

Packing
of wing
rails, etc.

(3) The spaces between any wing rail and any railway frog and between any guard rail and the track rail alongside of it shall be filled with packing at their splayed ends so that the whole splay shall be so filled where the width of the space between the rails is less than four inches; such packing not to reach higher than to the under side of the head of the rail:

Exception
in latter
cases

Provided however that the Minister may allow the filling and packing mentioned in this section to be left out from the month of December to the month of April in each year, both months included or between any such dates as the Minister by regulation or in any particular case determines.

Overdue
trains

185. Every company upon whose railway there is a telegraph line in operation shall have a blackboard put upon the outside of the station house over the platform of the station in some conspicuous place at each station of such company at which there is a telegraph office and when any passenger train is overdue at any such station according to the time table of such company the station agent or person in charge at such station shall write

Notice at
stations

or cause to be written with white chalk on such blackboard a notice stating to the best of his knowledge and belief the time when such overdue train may be expected to reach such station, and if there is any further change in the expected time of arrival the station agent or person in charge of the station shall write or cause to be written on the blackboard in like manner a fresh notice stating to the best of his knowledge and belief the time when such overdue train may then be expected to reach such station.

Time when
expected to
be stated

(2) Every such company station agent or person in charge at any such station is on summary conviction liable to a penalty not exceeding five dollars for every wilful neglect, omission or refusal to obey the provisions of this section.

Penalty for
omission

USE OF RAILWAY BY DOMINION GOVERNMENT.

186. His Majesty's mail, His Majesty's naval or military forces or militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others travelling on His Majesty's service, shall at all times, when thereunto required by His Majesty's Postmaster General, the Commander of the Forces or any person having the superintendence or command of any police force, and with the whole resources of the company if required, be carried on the railway, on such terms and conditions, and under such regulations as may be made by the Governor General in Council or Lieutenant Governor in Council as the case requires.

Provision as to
the carriage of
His Majesty's
mail, etc.

(2) The Governor General or Lieutenant Governor as the case may be, or any person thereunto authorized by them, may require the company to place any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service.

Government
to have
exclusive use
of telegraph

BOARD AND MEMBERS OF LEGISLATURE TO BE CARRIED FREE.

187. The company shall furnish free transportation upon any of its trains, for members of the Legislature with their baggage, and shall also, when required, haul free of charge any car provided for the use of the Minister.

Members of
Legislature
and board
to have free
transportation

SLEEPING AND PARLOR CARS.

188. The company may contract with any person for the hauling by the special or regular trains of the company, of the parlor, drawing-room or sleeping car or cars of such person, in which extra accommodation shall be furnished, for which such person furnishing such parlor, drawing-room or sleeping car or cars, may charge for the carriage and transportation of persons and property therein such reasonable compensation as may be fixed by the Minister for such extra accommodation, in addition to the fare and charges for the carriage and transportation of passengers and property in the ordinary cars of the company. But the company so contracting shall be liable in the same way and to the same extent as if the said car or cars were owned by it, and shall furnish sufficient ordinary cars for the reasonable accommodation of the travelling public.

Sleeping
and parlor
cars

ACCIDENTS.

Notice of
accident

189. Every company shall as soon as possible and immediately after the head officers of the company have received information of the occurrence upon the railway belonging to such company of any accident attended with serious personal injury to any person using the railway or to any employee of the company or whereby any bridge, culvert, viaduct or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use give notice thereof with full particulars to the Minister and every company which wilfully and negligently omits to give such notice shall forfeit to His Majesty the sum of two hundred dollars for every day during which the omission to give the same continues.

Penalty for
omissionForm of
notice and
investigation
into accidents

(2) The Minister shall by regulation declare the manner and form in which such information and notice shall be given and the class of accidents to which the next preceding section shall apply and may declare any such information so given to be privileged and the Minister may appoint such person or persons as he thinks fit to inquire into all matters and things which he deems likely to cause or prevent accidents and the causes of and the circumstances connected with any accident or casualty to life or property occurring on any railway and into all particulars relating thereto.

Report

(3) The person or persons so appointed shall report fully in writing to the Minister his or their doings and opinions on the matters respecting which he or they are appointed to inquire and the Minister may act upon such report and may order the company to suspend or dismiss any employee of the company whom it may deem to have been negligent or wilful in respect of any such accident.

CATTLE NOT ALLOWED WITHIN FENCES.

Right of
action
negatived

190. If the cattle of any person which are at large on any highway where it intersects a railway are killed or injured by any train at such point of intersection he shall not have any right of action against any company in respect of the same being so killed or injured.

Negligence
of owner not
presumed

191. When any cattle or other animals at large upon the highway or otherwise get upon the property of the company and are killed or injured by a train the owner of any such animal so killed or injured shall be entitled to recover the amount of such loss or injury against the company in any action in any court of competent jurisdiction unless the company in the opinion of the court or jury trying the case establishes that such animal got at large through the negligence or wilful act or omission of the owner or his agent or of the custodian of such animal or his agent; but the fact that such animal was not in charge of some competent person or persons shall not for the purposes of this section deprive the owner of his right to recover.

PREVENTION OF AND LIABILITY FOR FIRES.

192. The company shall at all times maintain and keep its ^{Prevention} right-of-way free from dead or dry grass, weeds and other unnecessary combustible matter.

(2) Whenever damage is caused to crops, lands, fences, ^{Liability for fire caused by locomotive} plantations or buildings and their contents by a fire started by a railway locomotive the company making use of such locomotive whether guilty of negligence or not shall be liable for such damage and may be sued for the recovery of the amount of such damage in any court of competent jurisdiction:

Provided that if it be shown that the company has used modern ^{Proviso} and efficient appliances and has not otherwise been guilty of any negligence the total amount of compensation recoverable under subsection (2) of this section in respect of any one or more claims for damage from a fire or fires started by the same locomotive and upon the same occasion shall not exceed five thousand dollars and it shall be apportioned amongst the parties who suffered the loss as the court or judge may determine.

(3) The company shall have an insurable interest in all such ^{Company has insurable interest} property upon or along its route for which it may be so held liable and may procure insurances thereon in its own behalf.

PURCHASE OF RAILWAY BY PERSON WITHOUT CORPORATE POWER TO OPERATE.

193. If any railway or any section of any railway is sold ^{Noncorporate purchaser to obtain authority to operate} under the provisions of any deed or mortgage or at the instance of the holders of any mortgage, bonds or debentures for the payment of which any charge has been created thereon or under any other lawful proceeding and is purchased by any person not having corporate power to hold and operate the same the purchaser shall not run or operate such railway until authority therefor has been obtained under the following provisions.

(2) The purchaser shall transmit to the Minister an appli- ^{Proceedings} cation in writing stating the fact of such purchase, describing the termini and lines of route of the railway purchased specifying the special Act under which the same was constructed and operated and requesting authority from the Minister to run and operate the railway and with such application shall transmit a copy of any writing preliminary to the conveyance of such railway made as evidence of such sale and also a duplicate or authenticated copy of the deed of conveyance of such railway and such further details and information as the Minister may require.

(3) Upon any such application the Minister may if he is satisfied ^{Order authorizing operation for certain period} therewith grant an order authorizing the purchaser to run and operate the railway purchased until the end of the then next session of the Legislature of the province subject to such terms and conditions as the Minister may deem expedient and thereupon the purchaser shall be authorized for such period only and subject to such order of the Minister to operate and run such railway and take and receive such tolls in respect of traffic carried thereon as the company previously owning and operating the same was authorized to take and shall be subject in so far as the same can be made applicable to the terms and conditions of the special Act of the said company.

Application
for corporate
powers

(4) Such purchaser shall apply to the Legislature of the province at the next following session thereof after the purchase of such railway for an Act of incorporation or other legislative authority to hold, operate and run such railway; and if such application is made to the Legislature and is unsuccessful the Minister may extend the order to run and operate such railway until the end of the then next following session of the Legislature and no longer; and if during such extended period the purchaser does not obtain such Act of incorporation or other legislative authority, such railway shall be closed or otherwise dealt with by the Minister as may be determined by the Lieutenant Governor in Council.

Closing of
road

PASSENGER CONDUCTORS TO HAVE THE POWER AND AUTHORITY OF CONSTABLES.

Conductors to
have powers
of constables

194. The conductor of every train carrying passengers within this province and the conductor of the car or cars of every railway carrying passengers within this province, is hereby invested with all the powers of a constable, while on duty on his train or on said car and cars, and said conductor may wear a badge or other distinguishing mark of a special constable.

Removal of
passenger
guilty of
misconduct

(2) When a passenger is guilty of disorderly conduct, or uses any blasphemous or obscene language, or plays any game of cards or chance for money or any other thing of value, upon any passenger train or upon the car or cars of any railway carrying passengers within this province, the conductor of such train or car or cars of such railway may stop his train or said car or cars at the place where such offence is committed or at the next stopping place of such train or of such car or cars and eject such passenger from the train or from said car or cars, using only such force as may be necessary to accomplish such removal; and the conductor may command the assistance of the employees of the company, and of the passengers on such train or on such car or cars to assist in such removal; but before doing so he shall render to such passenger such proportion of the fare he has paid as the distance he then is from the place to which he has paid fare bears to the whole distance for which his fare is paid.

Conductor
may arrest
passenger
for offences

195. When a passenger is guilty of any offence upon a passenger train or upon the car or cars of any railway carrying passengers within this province, the conductor of such train or of such car or cars may arrest him and take him before any justice having cognizance of such offence in any municipality or district in this province in which such train or car or cars runs, and lay an information before such justice, charging him with such offence; but in no case shall the liability of the company for damages caused by the conduct of its conductor be affected by the provisions of this and the next preceding section.

Notice of
authority of
conductor

196. The company shall cause a notice to be placed in all passenger cars stating that the conductors have the authority and powers of constables.

Protection of
conductor
acting as
constable

197. A conductor exercising the powers of a constable under this Act shall be entitled to the protection accorded by law to constables engaged in the performance of their duties as such.

LIMITATION OF ACTION FOR DAMAGES.

198. All actions or suits for indemnity for any damages or injury sustained by reason of the construction or operation of the railway shall be commenced within one year next after the time when such supposed damage is sustained or if there is continuation of damage within one year next after the doing or committing of such damage ceases and not afterwards; and the defendants may plead the general issue and give this Act and the special Act and the special matter in evidence at any trial to be had thereupon and may prove that the same was done in pursuance of and by the authority of this Act or of the special Act.

Limitation of action for damages

Pleadings

Proof

BY-LAWS, RULES AND REGULATIONS.

199. The company may subject to the provisions and restrictions in this and in the special Act contained make by-laws, rules and regulations respecting—

Company's by-laws, respecting

- (a) The mode by which and the speed at which any rolling stock used on the railway is to be moved; Speed
- (b) The hours of the arrival and departure of trains; Time tables
- (c) The loading or unloading of cars and the weights which they are respectively to carry; Loads
- (d) The receipt and delivery of traffic; Freight regulations
- (e) The smoking of tobacco, expectorating and the commission of any nuisance in or upon trains, stations or other premises occupied by the company; Nuisances
- (f) The travelling upon or the use or working of the railway; Traffic and operation
- (g) The employment and conduct of the officers and employees of the company; Conduct
- (h) The due management of the affairs of the company; Management
- (i) The number of passengers to be allowed in cars, their mode of entrance or exit, and the portion of the car or the class of car to be occupied by them. Passengers

200. All by-laws, rules and regulations whether made by the directors or the company shall be reduced to writing, be signed by the chairman or person presiding at the meeting at which they are adopted, have affixed thereto the common seal of the company and be kept in the office of the company.

Essentials to validity of by-law

201. All such by-laws, rules and regulations except such as are of a private or domestic nature and do not affect the public generally shall be submitted to the Lieutenant Governor in Council for approval; the Lieutenant Governor in Council having first obtained the report of the Minister thereon which report it shall be the duty of the Minister to make may sanction them or any of them or any part thereof and may from time to time rescind the sanction of any such by-law, rule or regulation or any part thereof; except when so sanctioned no such by-law, rule or regulation shall have any force or effect.

Must be approved by the Lieutenant Governor in Council

202. A printed copy of so much of any by-law, rule or regulation as affects any person other than the shareholders or the officers or employees of the company shall be openly affixed and kept

Publication of by-laws, etc.

affixed to a conspicuous part of every station belonging to the company so as to give public notice thereof to the persons interested therein or affected thereby.

Publication of
by-laws, etc.,
affecting
employees

(2) A printed copy of so much of any by-law, rule or regulation as relates to the conduct of or affects the officers or employees of the company shall be given to every officer and employee of the company thereby affected.

By-laws, etc.,
binding when
approved

203. Such by-laws, rules and regulations when so approved shall be binding upon and observed by all persons and shall be sufficient to justify all persons acting thereunder.

Summary
interference
in certain
cases

204. If the violation or nonobservance of any by-law, rule or regulation is attended with danger or annoyance to the public or hindrance to the company in the lawful use of the railway the company may summarily interfere using reasonable force if necessary to prevent such violation or to enforce observance without prejudice to any penalty incurred in respect thereof.

Evidence

205. A copy of any by-law, rule or regulation certified as correct by the president, secretary or other executive officer of the company and bearing the seal of the company shall be evidence thereof in any court.

TOLLS, BY-LAWS.

By-laws to be
passed author-
izing issue of
tariffs of tolls
to be charged
by the
company

206. The company or the directors of the company by by-law or any such officers of the company as are thereunto authorized by by-law of the company or directors may from time to time prepare and issue tariffs of the tolls to be charged as hereinafter provided for all traffic carried by the company upon the railway or in vessels and may specify the person to whom, the place where and the manner in which such tolls shall be paid.

To be approved
by Minister

(2) All such by-laws shall be submitted to and approved by the Minister.

Minister may
approve in
whole or in
part or may
change

(3) The Minister may approve such by-laws in whole or in part or may change, alter or vary any of the provisions therein.

No tolls to be
charged until
by-law
approved by
Minister

(4) No tolls shall be charged by the company until a by-law authorizing the preparation and issue of tariffs of such tolls has been approved by the Minister nor shall the company charge, levy or collect any money for any services as a common carrier except under the provisions of this Act.

DISCRIMINATION.

Discrimination
prohibited

207. Such tolls may be either for the whole or for any particular portions of the railway; but all such tolls shall always under substantially similar circumstances and conditions be charged equally to all persons and at the same rate whether by weight, mileage or otherwise in respect of all traffic of the same description and carried in or upon a like kind of cars passing over the same portion of the line of railway; and no reduction or advance in any such tolls shall be made either directly or indirectly in favour of or against any particular person or company travelling upon or using the railway.

(2) The tolls for larger quantities, greater numbers or longer distances may be proportionately less than the tolls for smaller quantities or numbers or shorter distances if such tolls are under substantially similar circumstances, charged equally to all persons. Proportionate decrease in tolls in certain cases

(3) No toll shall be charged which unjustly discriminates between different localities; the Minister shall not approve or allow any toll which for the like description of goods or for passengers carried under substantially similar circumstances and conditions in the same directions over the same line is greater for a shorter than for a longer distance, the shorter being included in the longer distance unless the Minister is satisfied that owing to competition it is expedient to allow such toll; the Minister may declare that any places are competitive points within the meaning of this Act. Unjust discrimination between localities prohibited
Long and short haul clause
Competitive points

(4) No company shall except in accordance with the provisions of this Act directly or indirectly pool its freights or tolls with the freights or tolls of any other railway company or common carrier nor divide its earnings or any portion thereof with any other railway company or common carrier nor enter into any contract, arrangement, agreement or combination to effect or which may effect any such result without leave therefor having been obtained from the Minister. Pooling prohibited

208. All companies shall according to their respective powers afford to all persons and companies all reasonable and proper facilities for the receiving, forwarding and delivering of traffic upon and from their several railways for the interchange of traffic between their respective railways and for the return of rolling stock; and no company shall make or give any undue or unreasonable preference or advantage to or in favour of any particular person or company or any particular description of traffic in any respect whatsoever nor shall any company by any unreasonable delay or otherwise howsoever make any difference in treatment in the receiving, loading, forwarding, unloading or delivery of the goods of a similar character in favour of or against any particular person or company nor subject any particular person or company or any particular description of traffic to an undue or unreasonable prejudice or disadvantage in any respect whatsoever; nor shall any company so distribute or allot its freight cars as to discriminate unjustly against any locality or industry or against any traffic which may originate on its railway destined to a point on another railway in Alberta with which it connects; and every company which has or works a railway forming part of a continuous line of railway with or which intersects any other railway or which has any terminus, station or wharf near to any terminus, station or wharf of any other railway shall afford all due and reasonable facilities for delivering to such other railway or for receiving from and forwarding by its railway all the traffic arriving by such other railway without any unreasonable delay and without any such preference or advantage or prejudice or disadvantage as aforesaid and so that no obstruction is offered to the public desirous of using such railways as a continuous line of communication and so that all reasonable accommodation by means of the railways of the several companies is at all times afforded to the public Duty of company to afford reasonable facilities for receiving, forwarding and delivering traffic, without partiality and without unreasonable delay
Difference of treatment
Undue prejudice or disadvantage

Agreements in violation void in that behalf; and any agreement made between any two or more companies contrary to this section shall be unlawful, null and void.

Power of Minister to determine what are substantially similar circumstances, undue preference, etc.

(2) The Minister may determine as questions of fact whether or not traffic is or has been carried under substantially similar circumstances and conditions and whether there has in any case been unjust discrimination or undue or unreasonable preference or advantage or prejudice or disadvantage within the meaning of this Act or whether in any case the company has or has not complied with the provisions of this and the last preceding section; and may by regulation declare what shall constitute substantially similar circumstances and conditions or unjust or unreasonable preferences, advantages, prejudices or disadvantages within the meaning of this Act or what shall constitute compliance or noncompliance with the provisions of this and the last preceding section.

(3) The reasonable facilities which every railway company is required to afford under this section shall include reasonable facilities for the junction of private sidings or private branch railways with any railway belonging to or operated by any such company and reasonable facilities for receiving, forwarding and delivering traffic upon and from those sidings or private branch railways and the adequate and suitable accommodation referred to in section 168 of this Act shall include the reasonable facilities above mentioned together with the placing of cars and moving them upon and from such sidings and private branch railways.

(4) For the purposes of this section or of section 168 of this Act the Minister may order that specific works be constructed or carried out or that property be acquired or that specific tolls be charged or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Minister or that any specified steps, systems or methods be taken or followed by any particular company or companies or by railway companies generally.

Burden of proof respecting unjust discrimination, etc.

209. Whenever it is shown that any company charges one person, company or class of persons or the persons in any district lower tolls for the same or similar goods or lower tolls for the same or similar services than they charge to other persons, companies or class of persons or to the persons in another district or makes any difference in treatment in respect of such companies or persons the burden of proving that such lower toll or difference in treatment does not amount to an undue preference or an unjust discrimination shall lie on the company.

What Minister may consider in determining unjust discrimination

(2) In deciding whether a lower toll or difference in treatment does or does not amount to any undue preference or unjust discrimination the Minister may consider whether such lower toll or difference in treatment is necessary for the purpose of securing in the interests of the public the traffic in respect of which it is made and whether such object cannot be attained without unduly reducing the higher tolls.

Apportionment of toll for carriage by land and water

(3) In any case in which the toll charged by the company for carriage partly by rail and partly by water is expressed in a single sum the Minister for the purpose of determining whether a toll charged is discriminatory or contrary in any way to the

provisions of this Act may require the company to declare forthwith to him or may determine what portion of such single sum is charged in respect of the carriage by rail.

EXPRESS COMPANIES.

210. Every company which grants any facilities for the carriage of goods by express to any incorporated express company or person shall grant equal facilities on equal terms and conditions to any other incorporated express company which demands the same. Equal facilities to be granted to express companies

COLLECTION OF TOLLS.

211. In case of refusal or neglect of payment on demand of any lawful tolls or any part thereof the same shall be recoverable in any court of competent jurisdiction; or the agents or servants of the company may seize the goods for or in respect whereof such tolls are payable and may detain the same until payment thereof and in the meantime the said goods shall be at the risk of the owners thereof. Enforcing payment of tolls

(2) If the tolls are not paid within six weeks and where the goods are perishable goods if the tolls are not paid upon demand or if such goods are liable to be destroyed while in the possession of the company by reason of delay in payment or taking delivery by the consignee the company may advertise and sell the whole or any part of such goods and out of the money arising from such sale retain the tolls payable and all reasonable charges and expenses of such seizure, detention and sale and shall deliver the surplus if any or such of the goods as remain unsold to the person entitled thereto. Sale of goods to recover tolls

(3) If any goods remain in the possession of the company unclaimed for the space of twelve months the company may thereafter and on giving public notice thereof by advertisement for six weeks in *The Alberta Gazette* and in such other newspapers as it deems necessary sell such goods by public auction at a time and place which shall be mentioned in such advertisement and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and balance of the proceeds if any shall be kept by the company for a further period of three months to be paid over to any person entitled thereto. Unclaimed goods
Sale
Application of proceeds

(4) In default of such balance being claimed before the expiration of the period last aforesaid the same shall be deposited with the Provincial Treasurer for the public use of the province but may be claimed by the person entitled thereto at any time within six years from the date of such deposit. Unclaimed balances

INTERCHANGE OF TRAFFIC.

212. The directors of any railway company may at any time and from time to time make and enter into any agreement or arrangement with any other company either in this province or elsewhere for the regulation and interchange of traffic passing to and from the railways of the said companies and for the working of the traffic over the said railways respectively or for either of those objects separately and for the division and appointment One company may agree with another respecting traffic

of tolls, rates and charges in respect of such traffic and generally in relation to the management and working of the railways or any of them or any part thereof and of any railway in connection therewith for any term not exceeding twenty-one years and to provide either by proxy or otherwise for the appointment of a joint committee or committees for the better carrying into effect such agreement or arrangement with such powers and functions as may be considered necessary or expedient subject to the consent of two-thirds of the shareholders voting in person or by proxy and subject to the following provisions:

Proviso and condition with respect to such agreement or arrangement

(a) The proposed agreement or arrangement shall not be inconsistent with the provisions of this or the special Act;

(b) Before the same can come into effect the sanction of the Lieutenant Governor in Council upon the recommendation of the Minister must be first obtained.

Procedure for obtaining sanction of Lieutenant Governor in Council to same

(2) The procedure for such sanction shall be as follows: When the consent of the shareholders has been obtained as above set forth and the proposed agreement or arrangement has been duly executed it shall be submitted to the Minister with an application for a recommendation to the Lieutenant Governor in Council for the sanction thereof; notice of the proposed application therefor shall be published in *The Alberta Gazette* for at least one month prior to the time to be stated therein for the making of such application; upon such notice being given the Minister shall grant or refuse such application but if he grants the same he shall make a recommendation to the Lieutenant Governor in Council for the sanction of such agreement or arrangement; and upon such agreement or arrangement being sanctioned by the Lieutenant Governor in Council the duplicate original of such agreement or arrangement shall upon being sanctioned be filed in the office of the Minister of Railways and Telephones: 1909, c. 5, s. 11; 1911-12, c. 10, s. 6.

Notice of application to the Minister

Action of Minister

Duplicate original to be filed with Minister

Minister may exempt from conditions

Provided that the Minister may by order or regulation exempt the company from complying with any of the foregoing conditions with respect to any such agreement or arrangement made or entered into by the company for the transaction of the usual and ordinary business of the company and where such consent of the shareholders is deemed by the Minister to be unnecessary.

Saving

(3) Neither the making of any such arrangement or agreement or anything therein contained nor any approval thereof shall restrict, limit or effect any power by this Act vested in the Minister or relieve the companies from complying with provisions of this Act.

OFFENCES AND PENALTIES.

Liability of company, etc., in cases specified

213. Every company, director or officer doing, causing or permitting to be done any matter, act or thing contrary to the provisions of this Act or the special Act or the orders or directions of the Lieutenant Governor in Council or of the Minister made hereunder or omitting to do any matter, act or thing required to be done on the part of any such company, director or officer is liable to any person injured thereby for the full amount of damages sustained by such act or omission; and if no other penalty is in this Act or the special Act provided for any such act or omission is liable for each offence to a penalty of not less

Penalty

than twenty dollars and not more than five thousand dollars in the discretion of the court before which the same is recoverable.

214. Every person from whom any company exacts any unjust or extortionate toll, rate or charge shall in addition to the amount so unjustly exacted be entitled to recover from the company as damages an amount equal to three times the amount so unjustly exacted. Damages for extortionate toll

215. Every officer or servant of any company or any person employed by it who directs or knowingly permits any freight, merchandise or lumber car to be placed in the rear of a passenger car shall be guilty of an offence against this Act. Penalty for placing freight cars in rear of passenger cars

216. Every conductor, locomotive engineer, train despatcher, telegraph operator, station agent, switchman, signal man, bridge tender, or any other person who is intoxicated, or under the influence of liquor, while on duty, in charge of or in any employment having to do with the movement of trains upon any railway is guilty of an offence, and upon summary conviction, shall be punished by fine, not exceeding four hundred dollars, or imprisonment, not exceeding six months, or both, in the discretion of the court before which the conviction is had, and according as such court considers the offence proved to be more or less grave as causing injury to, or as exposing or likely to expose to injury, although no actual injury occurs to any person or property. Intoxication of railway employees

(2) Every person who sells, gives, or barter any spirituous or intoxicating liquor to or with any servant or employee of any company, while on duty, is liable on summary conviction to a penalty not exceeding fifty dollars, or to imprisonment with or without hard labour for a period not exceeding one month, or to both. Sale of liquor to railway employees on duty

217. Every officer or servant of and every person employed by the company who wilfully or negligently violates any of the provisions of this Act or any by-law, rule or regulation of the company lawfully made and enforced or any order or notice of the Lieutenant Governor in Council or of the Minister of which a copy has been delivered to him or which has been posted up or open to his inspection in some place where his work or his duties or any of them are to be performed if such violation causes injury to any person or to any property or exposes any person or any property to the risk of injury or renders such risk greater than it would have been without such violation although no actual injury occurs shall be guilty of an offence against this Act and shall upon summary conviction in the discretion of the court before which the conviction is had and according to such court considers the offence proved to be more or less grave or the injury or risk of injury to person or property to be more or less great be punished by fine or imprisonment or both; but no such fine shall exceed four hundred dollars and no such imprisonment shall exceed the term of six months. Punishment for violation of certain by-laws
If injury is caused or risk of injury is increased
Penalty limited

218. Such penalty shall belong to His Majesty for the public uses of the province. Application of penalty

Deduction of
penalty from
wages or
recovery

219. The company may in all cases under the last three preceding sections pay the amount of the penalty and costs and recover the same from the offender or deduct it from his salary or pay.

Penalty for
the violation
of by-laws, etc.,
generally

220. Every person who wilfully or negligently violates any by-law, rule or regulation of the company shall be liable for each offence to a penalty not exceeding the amount therein prescribed or if no amount is so prescribed to a penalty not exceeding twenty dollars; but no such person shall be convicted of any such offence unless at the time of the commission thereof a printed copy of such by-law, rule or regulation was openly fixed to a conspicuous part of the station at which the offender entered the train or at or near which the offence was committed.

Exception

Penalties in
other cases

221. In the case of any violation of any of the provisions of this Act for which no special penalty is provided the company so violating any of the said provisions shall be liable to a penalty of one hundred dollars for each and every violation and for each and every day's continuation of such violation.

Application of
other fines
and penalties

222. All the fines, forfeitures and penalties recoverable under this Act the application whereof is not otherwise provided for shall be paid into the treasury of the province.

Collection of
penalties, how
enforced

223. The collection of any of the penalties provided for in this Act where the same are incurred by any railway company may be enforced by a sale of any of the company's property notwithstanding the existence of any mortgage, lien, encumbrance or deed of trust to secure the payment of any liability.

RETURNS AND STATISTICS.

Annual returns
to be prepared

224. Every company shall annually prepare in accordance with forms which shall from time to time be provided and supplied to the companies by the Minister, returns of its capital, traffic and working expenses and of all information required as indicated in such forms to be filed with the Minister, and such returns shall be dated and signed by and attested upon the oath of the secretary of the company and of the president or in his absence of the vice-president or manager of the company.

What period
to be included

(2) Such returns shall be made for the period included from the date to which the then last yearly returns made by the company extended or from the commencement of the operation of the railway if no such returns have been previously made and in either case down to the last day of December in the preceding year.

Date of
returns

(3) A duplicate copy of such returns dated, signed and attested in manner aforesaid shall be forwarded by such company to the Minister within three months after the last day of December in each year.

Further returns
when required

(4) The company shall also in addition to the information required to be furnished to the Minister as indicated in subsection 1 hereof furnish such other information for statistical purposes or otherwise and returns as are from time to time required by the Minister or as shall hereafter be ordered by the Legislature.

(5) The Minister shall transmit the returns so made to the Lieutenant Governor in Council who shall lay the same before the Legislature within twenty-one days from the commencement of each session thereof. Returns to be submitted to Legislative Assembly

225. The company shall within ten days after the first days of January and July in each and every year make to the Minister under the oath of the president, secretary or superintendent of the company a true and particular return of all accidents and casualties (whether to persons or property) which have occurred on the railway of the company during the half year next preceding each of the said periods respectively setting forth: Returns of accidents to be made semi-annually

1. The causes and natures of such accidents and casualties;

2. The points at which they occurred and whether by night or by day;

3. The full extent thereof and all particulars of the same; and shall also at the same time return a true copy of the existing by-laws of the company and of their rules and regulations for the management of the company and of the railway.

226. The Minister may order and direct from time to time the form in which such returns shall be made. Forms to be approved by Minister

227. All such returns relating to accidents made in pursuance of the provisions of this Act shall be privileged communications and shall not be evidence in any court whatsoever except to enforce the penalties for failure or neglect to furnish such returns as required by this Act. Such returns to be privileged communications

228. Every company shall weekly prepare returns of its traffic, that is to say, from the first to the seventh of the month inclusive, from the eighth to the fourteenth inclusive, from the fifteenth to the twenty-first inclusive and from the twenty-second to the close of the month inclusive; and such returns shall be in accordance with forms to be provided and supplied to the companies by the Minister; and a copy of such returns signed by the officer of the company responsible for the correctness of such returns shall be forwarded by the company to the Minister within seven days from the day to which the said returns have been prepared; the Minister may in any case extend the time within which such returns shall be forwarded. Weekly returns of traffic

229. The Minister may from time to time by notice served upon the company or any officer, servant or agent of the company require it or such officer, servant or agent to furnish the Minister at or within any time stated in such notice a written statement or statements showing in so far and with such detail and particulars as the Minister requires the assets and liabilities of the company and the amount of its stock issued and outstanding, the date at which any such stock was so issued, the amount and nature of the consideration received by the company for such issue and in case the whole of such consideration was not paid to the company in cash the nature of the service rendered to or property received by the company for which any stock was issued, the gross earnings or receipts or expenditure by the company during any periods specified by the Minister and the purposes for which such expendi- Returns to Minister of assets and liabilities
Of stock issued and outstanding
Of earnings and expenditure

Of bonuses ture was made, the amount and nature of any bonus, gift or subsidy received by the company from any source whatsoever, and the source from which and the time when and the circumstances under which the same was so received or given, the bonds issued at any time by the company and what portion of the same are outstanding and what portion if any have been redeemed, the amount and nature of the consideration received by the company for the issue of such bonds, the character and extent of any liabilities outstanding chargeable upon the property or undertaking of the company or any part thereof and the consideration received by the company for any such liabilities and the circumstances under which the same were created, the cost of construction of the company's railway or of any part thereof, the amount and nature of the consideration paid or given by the company for any property acquired by it, the particulars of any lease, contract or arrangement entered into between the company and any other company or person, and generally the extent, nature, value and particulars of the property, earnings and business of the company.

Of bonds

Of secured liabilities

Of cost of property

Of cost of acquirements

Of leases and contracts

Generally

Powers of Minister respecting returns

On inquiries respecting same

Production of documents

Refusal to make returns

Penalties

Making false returns to Minister

230. The Minister may summon, require the attendance of and examine under oath any officer, servant or agent of the company or any other person as to any matters included in such return or which were required by notice aforesaid to be returned to the Minister, and as to any matter or thing which in the opinion of the Minister is relevant to such return or to any inquiry which the Minister deems it expedient to make in connection with any of the matters in the foregoing section; and for such purposes may require the production to him of any books or documents in control of the company or such officer, servant, agent or person.

231. If any company or officer, servant or agent thereof wilfully or negligently refuses to make the returns required by this Act or by the Minister under the authority thereof when and as thereunto required by the Minister or fails to make any such return to the utmost of its or his knowledge or means of knowledge the company and every such officer, servant or agent so in default shall severally be liable to a penalty not exceeding \$1,000.

232. If the company or any officer, servant or agent thereof wilfully or negligently makes any false returns or any false statement in any such return the company and any such officer, servant or agent shall be severally liable to a penalty not exceeding \$1,000 and such officer, servant or agent shall also on summary conviction be liable to imprisonment for any period not exceeding twelve months in the common jail of the district where such conviction is had.

ACQUISITION OF RAILWAYS BY THE PROVINCE.

Government may acquire railways

233. Where the Government of Alberta requires any railway or portion of any railway which is subject to the legislative authority of the province and which is owned by any person, corporation or company the acquisition of which is in the judgment of the Lieutenant Governor in Council necessary or proper

in the public interest such railway or any portion thereof may be acquired by the government under agreement or contract with the owner or owners thereof and in the event of the Lieutenant Governor in Council failing to negotiate a satisfactory agreement or contract with the owner or owners for the acquisition of the same then in that event it shall be lawful for the Lieutenant Governor in Council after giving one year's notice to the owner or owners of its intention so to do (which notice shall be served upon the president, manager, secretary or agent of such railway within the province) enter into, take possession of, assume the ownership of and hold the said railway or any such portion thereof; and upon such entry, possession and assumption of ownership the title to the railway so taken shall immediately and absolutely vest in His Majesty in the right of the province and the same shall from and after such taking be under the management, administration and control of the Minister.

In case of agreement with owners

Procedure in case of failure to make agreement

(2) The Government shall pay the owner or owners as compensation the sum agreed to be paid in such contract or agreement and shall pay the same in the manner and at the times therein set forth; and in the event of said railway being taken without agreement or contract (but upon such notice as in this section before set forth) then the government shall pay the owner or owners therefor such amount of compensation as shall be ascertained and awarded by arbitration of three arbitrators as herein-after set forth.

Payment of compensation agreed upon

Compensation to be fixed by arbitration

234. In the event of said agreement or contract not specifying the amount of the compensation to be paid but providing that the same be fixed or ascertained by arbitration, or in the event of there being no agreement or contract entered into and arbitration becoming necessary under the foregoing section hereof then or in either event the Lieutenant Governor in Council may serve the company with a notice of arbitration in which notice shall be stated the name of the arbitrator appointed by the Lieutenant Governor in Council; such notice shall be served on the owner or owners at least four weeks and shall call upon the owner or owners to name an arbitrator within four weeks from the time of such service.

When arbitration shall apply

Procedure

Owner to name second arbitrator

(2) When the last mentioned notice has been given on the part of the Lieutenant Governor in Council and the owner or owners of such railway refuses or neglects to name such arbitrator then such arbitrator shall be appointed by a judge and shall for all purposes be considered and held to be the arbitrator appointed by or on behalf of the owner or owners so notified.

If owner refuses or neglects then arbitrator to be appointed by judge

235. If the party to be the third arbitrator or umpire is not agreed upon and appointed in writing by the two arbitrators aforesaid or if the appointment of the third arbitrator or umpire is not notified to the Lieutenant Governor in Council within thirty days after the second of the two arbitrators has been chosen or appointed (and his appointment notified to the Lieutenant Governor in Council) then the third arbitrator shall be appointed by the chief justice of the Supreme Court of Alberta.

Third arbitrator to be chosen by two chosen

In case not chosen to be chosen by Chief Justice Supreme Court Alberta

Oath of
arbitrators

Award

Procedure

236. The arbitrators shall be sworn before a judge faithfully and impartially to perform the duties of their office and shall proceed to ascertain such compensation in such way as they deem best; and the award of such arbitrators or any two of them shall be final and conclusive except as hereinafter provided; but no such award shall be made nor any official act be done by such majority except at a meeting held at a time and place of which the other arbitrator has had at least five clear days' notice or to which some meeting at which the third arbitrator was present had been adjourned.

Arbitrators,
etc., entitled
to travel on
trains

237. Every such arbitrator and also a reasonable number of experts or other persons forming the staff or staffs of the arbitrators shall have the right at all or any time or times until the making and publication of the award of the arbitrators to travel on any trains which pass over any of the railways in respect to which such arbitrators are to make their valuation or award free of all charge and shall be carried from station to station in such manner as to enable them to make full examination of such railways and all the appurtenances; any person or company who refuses to the said arbitrators or any of them or any of their attendants the facilities mentioned in this section shall be liable to a penalty for each offence of four hundred dollars.

Former
arbitration
provisions
shall apply

238. The provisions of this Act with respect to arbitration to fix the value of land expropriated by the company in so far as the same are applicable shall be applied to and govern such arbitration proceedings taken under the five last preceding sections.

GENERAL.

Application
to existing
companies

239. All railway companies heretofore incorporated by special Act of the Legislature of Alberta shall be subject to the provisions of this Act as well with respect to matters dealt with in the special Acts respectively incorporating such companies as with respect to matters not referred to therein; and the provisions of this Act in respect to matters dealt with in such special Acts shall supersede the provisions of such special Acts respectively with regard thereto:

Provided, however, that the time limited for the construction of the railways by such special Acts authorized to be constructed as provided in section 68 of this Act shall begin to run from the time when this Act comes into force, and for the purpose of such section the date of the incorporation of such companies shall be deemed and taken to be the date when this Act comes into force; and for greater certainty it is declared that compliance with the provisions of this Act with regard to filing of plans, profiles and books of reference, shall as regards such companies so incorporated be deemed and taken to be a complete compliance with any of the provisions of such special Acts having reference to the filing and deposit of any plan or plans, profile or profiles or book or books of reference with the Minister of Public Works.

Certain sec-
tions of
*Companies
Ordinance*
to apply

240. Sections 25 to 38, both inclusive, and sections 41 to 61, both inclusive, of *The Companies Ordinance* and all amendments and alterations thereof shall be and the same are hereby

incorporated with and shall be deemed to be a part of every special Act of the Legislative Assembly of the province incorporating a railway company which has a capital divided into shares except it be expressly declared to the contrary in the special Act and except so far as the same or any of them may be inconsistent with the express enactment thereof or of this Act.

241. No company or municipal corporation operating a street railway, tramway or electric railway, shall operate the same or employ any person thereon on the first day of the week commonly called Sunday, except for the purpose of keeping the track clear of snow or ice, or for the purpose of doing other work of necessity. For every train or car run or operated in violation of this section, the company or corporation shall forfeit and pay the sum of \$400, to be recovered in any court having jurisdiction in civil cases, for the amount, by any person suing for the same under this section and for the purpose thereof. The action for the recovery of the said sum shall be brought before a court having jurisdiction as aforesaid in the place from which such train or car started, or through which it passed or at which it stopped in the course of such operation. All moneys recovered under the provisions of this section shall be paid to the Provincial Treasurer and shall form part of the general revenue of the province.

a Street cars not to operate on Sunday

Section 241 of *The Railway Act* shall cease to apply to any street railway, tramway, or electric railway operated within the municipal limits of any one or more of the cities of Calgary, Edmonton or Strathcona upon the ratepayers or burgesses of such city or cities respectively determining by a majority vote taken upon a plebiscite to determine if a majority of the said ratepayers or burgesses are desirous that the company or municipal corporation operating such railway shall be permitted so to operate their said street railway, tramway or electric railway on the first day of the week commonly called Sunday, that the said company or municipal corporation shall be permitted so to operate their said street railway, tramway or electric railway on Sunday and the council of any of the said cities may provide by by-law or resolution for the taking of a plebiscite under the provisions of this section, in such manner and form and at such time or times as shall be set out in the said by-law or resolution, and may by any such by-law or resolution, or by any other by-law or resolution, provide for the payment out of the funds of such city of the expenses necessary for the taking of such plebiscite. 1909, c. 4, s. 16.

1907

CHAPTER 9.

An Act to further amend Chapter 89 of The Consolidated Ordinances of the North-West Territories, 1898, intituled "An Ordinance respecting the Sale of Intoxicating Liquors and the Issue of Licenses Therefor."

(Consolidated in the Liquor License Ordinance.)

1907

CHAPTER 10.

An Act respecting Villages.

(Repealed 1913 (1st Session), c. 5, s. 159.)

1907

CHAPTER 11.

An Act respecting Local Improvements.

(Assented to March 15, 1907.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be known as "*The Local Improvement Act.*" Short title

INTERPRETATION.

2. In this Act unless the context otherwise requires— Interpretation
1. "Minister" means Minister of Municipal Affairs; 1911-12, Minister
c. 4, s. 23 (1).
2. "Department" means the Department of Municipal Affairs Department
of the Province of Alberta; 1911-12, c. 4, s. 23 (2)
3. "Local improvement branch" means the local improvement Local
branch of the department; improvement branch
4. "Tax commissioner" means tax commissioner of the Tax
department; commissioner
5. "District" means a district constituted under the provisions District
of this Act;
6. "Division" means a division of a district; Division
7. "Large district" means any large local improvement district Large district
constituted under the provisions of this Act;
8. "Outlying area" means any portion of the province no part Outlying
of which is within a municipality, village or district; area
9. "Council" means a council of a district; Council
10. "Councillor" means a member of any district council Councillor
and includes the chairman of the council;
11. "Secretary" means the secretary of a council, and includes Secretary
any person for the time being appointed by such council to
perform the duties of secretary, treasurer or secretary-treasurer;
12. "Elector" means a person qualified to vote at any election Elector
under this Act;
13. "Owner" includes any person who has any right, title or Owner
estate whatsoever or any interest other than that of mere occupant
in any land;
14. "Inspector" means local improvement district inspector; Inspector
15. "Occupant" includes the inhabitant occupier of any land, Occupant
or if there be no inhabitant occupier, the person entitled to the
possession thereof, and the leaseholder or holder under agree-
ment for lease and holder under agreement for sale and any
person having or enjoying in any way or for any purpose
whatsoever the use of land;
16. "Ratepayer" means any owner or occupant over twenty- Ratepayer
one years of age of land in any district;

- Resident** 17. "Resident" means any owner or occupant of land over twenty-one years of age residing in any area proposed to be organized or established as a district;
- Taxable person** 18. "Taxable person" means any person who may be taxed in respect of ownership or occupancy of any land;
- Land, lands, real property** 19. "Land," "lands" or "real property" includes lands, tenements and hereditaments and any estate or interest therein;
- Public notice** 20. "Public notice" or "published" means a notice published in some newspaper issued in or near the area within which notice is to be given or by written or printed placards containing the notice affixed to public places within the area. In cases where notice is required to be given of any document or its contents it shall be sufficient if the notice sets forth the object, purport or general effect of the document;
- Prescribed** 21. "Prescribed" means prescribed under or by this Act or by any regulation or resolution made under its authority;
- Gazetted** 22. "Gazetted" means published in the official gazette;
- Person** 23. "Person" includes corporations, joint stock companies and partnership;
- Year** 24. "Year" means the calendar year;
- Territorial unit** 25. "Territorial unit" means any portion of the province included within the limits of a municipality proposed to be organized under *The Rural Municipality Act*, as shown on the map referred to in section 9 of the said Act, and not organized as a municipality or district and excluding therefrom the area of any city, town or village established therein. 1911-12, c. 4, s. 23 (3).

Disorganization of district

3. Every district then existing under the provisions of this Act shall on, from and after the second Monday in December, 1912, become and be disorganized and cease to exist as a district:

Provided that the person who was secretary of each such district shall continue to collect such taxes as were immediately before such disorganization due such district until notified by the Minister to cease, whereupon he shall hand over to the secretary of the district or districts or of the rural municipality or rural municipalities, as the case may be, entitled thereto according to the adjustment made of the assets and liabilities of the district disorganized, as hereinafter provided, all taxes so received by him and all other moneys which he may have in his possession or under his control apportioned to any township that was comprised in the district so disorganized and shall forward a statement thereof to the Minister:

Provided further that such person shall in the year 1913 compile the return of arrears mentioned in section 91 hereof and for such service and any other service performed by him after said second Monday in December, 1912, he shall be paid rateably by the districts and rural municipalities that include any township or part thereof that formed a part of the district so disorganized:

And provided further that such person shall retain and be accountable for the safe keeping of the funds, books, records and documents that belonged to the district so disorganized until the Minister notifies him what disposition to make thereof. 1911-12, c. 4, s. 23.

Winding up of district

4. Every council shall before the fifteenth day of November, 1912, or such later date as the Minister may determine, wind

up the affairs of the district, settle and adjust all its assets and liabilities and apportion the same fairly and equitably among the townships included in such districts. 1911-12, c. 4, s. 23.

5. Every council shall not later than the said fifteenth day of November, 1912, forward to the Minister a statement showing in detail the outstanding assets and liabilities of the district and the apportionment thereof among the townships included in such district. 1911-12, c. 4, s. 23. Statement
to be for-
warded to
Minister

(2) For the purpose of winding up the affairs of the district, every council may sell and dispose of by public auction or private sale any personal property belonging to such district. 1911-12, c. 4, s. 23.

6. Every council shall cause a notice, in the form herein prescribed, to be published in two consecutive issues of *The Alberta Gazette* and once a week for four consecutive weeks in some newspaper published in the district, or if there be no newspaper published therein in the newspaper whose publication is nearest thereto; the last publication of such notice shall not be later than the first day of November, 1912. 1911-12, c. 4, s. 23. Notice to
file cause

(2) Any person who fails or omits to forward to the secretary of the district before the seventh day of November, 1912, as aforesaid, particulars of his claim against such district shall be debarred of his right to recover the same from such district or from any other district liable for the liabilities of such first mentioned district. 1911-12, c. 4, s. 23.

(3) Such notice shall be in the following form:

NOTICE.

Local Improvement District No. (*give number*).

Notice is hereby given that all persons having claims against Local Improvement District (*give number*) are required to send particulars of such claim to (*name and post office address of secretary*), the secretary of said district, before the seventh day of November, 1912, and that any person who fails to or omits to do so shall be debarred of his right to recover the same from said district or any other district that may be liable for the liabilities thereof.

Dated at.....this.....day of.....
19.....

Secretary.

1911-12, c. 4, s. 23. *Local Improvement District (give Number).*

7. In case the council shall disagree as to the proper adjustment, settlement or apportionment of the assets and liabilities of the district among the townships included therein the Minister may appoint one or more persons who shall have power to adjust, settle and apportion among such townships the assets and liabilities of the district and such person or persons shall have access to all books, records, papers and documents belonging to the district and any adjustment, settlement or apportionment made by such person or persons shall be binding on the district and on the townships thereof; such person or persons shall receive such remuneration from the district as the Minister Minister
to settle
disputes

may determine, and the person or persons so appointed shall have power to require the attendance during the course of such adjustment, settlement or apportionment of any councillor or officer of the district or of any other person whose presence he or they may deem necessary and shall have the same power as is exercisable by any judge or court in civil cases to compel the attendance of any such councillor, officer or other person before him or them, to compel the production of documents and to take evidence under oath. 1911-12, c. 4, s. 23:

Reorganization
of districts

8. The Minister may by order—

- (a) (*Repealed* 1913 (2nd Session), c. 2, s. 14.)
- (b) From time to time change the name or number of any district;
- (c) From time to time change the boundaries of any or all of the divisions of any district;
- (d) Whenever any area within a district is constituted a village under the provisions of *The Village Act*, being chapter 10 of the Statutes of Alberta, 1907, or any Act passed in amendment or substitution thereof, or included within the limits of a town or city, withdraw such area from the district and adjust all assets, rights, liabilities and matters between the district and such village, town or city;

(2) Any order made under clause (a) of this section shall take effect only on, from and after the second Monday of December next following the date of such order. Provided that the Minister may require that an order made prior to the first day of April in any year shall take effect as soon as made. 1911-12, c. 4, s. 23; 1913, c. 9, s. 16 (1).

Adjustment
of assets and
liabilities

8a. Whenever any district, constituted on or after the said second Monday in December, 1912, includes a township or townships that theretofore formed a part of a district all the assets and liabilities apportioned to each such township shall respectively be used for the benefit of and be a charge upon such township alone:

Provided, however, that save as between such township and district, so constituted, such assets and liabilities shall be deemed to be the assets and liabilities of the district:

Provided further that all arrears of taxes apportioned to any such township may be collected by such district in all respects as though such arrears were originally due to such district:

And provided further that such district may by a special rate or rates levy on such township such tax as may be necessary to raise a sum sufficient to discharge any liability apportioned to such township. 1911-12, c. 4, s. 23.

Rectification
of error in
order

9. Any error made in any order under this part of this Act may be rectified by the Lieutenant Governor in Council by any subsequent order.

Order not
invalid for
irregularity

10. No order purporting to be made under this Act shall be deemed invalid on account of any failure of any of the conditions of any noncompliance with any of the matters required by this Act as preliminary to such order and no misnomer,

inaccurate description or omission in any such order shall in any-wise suspend or impair the operation of this Act with respect to the matter or thing so misnamed, misdescribed or omitted.

DISTRICT COUNCILS.

11. Every district shall be governed by a council composed of not more than six and not less than three members, one of whom shall be elected from each of the divisions of the district which may be made by the Lieutenant Governor in Council. Council for district

QUALIFICATION OF MEMBER OF COUNCIL.

12. Every male person of the age of twenty-one years who is the owner or occupant of rateable land within the division, who shall have paid all taxes due the district in respect of such land who is not under any of the disabilities hereinafter specified and who is a duly qualified elector of the division, shall be qualified to be elected as a member of the council; such councillor shall be a resident of the district for which he is elected. 1908, c. 20, s. 21 (1). Qualifications of councillor

COUNCILS.

13. No person who—

Disqualification

1. Is concerned or participates in the profit of any contract with the council; or

2. Has been convicted of any criminal offence subject to imprisonment for three years or more; or

3. Is undergoing a sentence of imprisonment;

shall be capable of being or continuing a member of council: Provided that nothing herein shall disqualify any person from being or continuing a councillor solely because he is concerned or participates in a transaction with the council in respect of—

- (a) A lease, sale or purchase of lands; or
- (b) An agreement of such lease, sale or purchase; or
- (c) An agreement for the loan of money or any security for the payment of money; or
- (d) A contract entered into by any incorporated company for the general benefit of such company; or
- (e) A contract for the publication of any advertisement or advertisements in a public newspaper.

14. The office of a member or chairman shall be vacated— How office vacated

1. If he is, or has become, disqualified or has ceased to be qualified, under the provisions of this Act; or

2. If he has been absent from three or more consecutive meetings of the council; or

3. If he is ousted from his office by order of a judge of the Supreme Court.

RETIREMENTS OR VACANCIES.

15. Any member or chairman may resign his office by writing under his hand addressed to the secretary of the council and such resignation shall be complete from the time when it is received by the secretary. Resignation of member

Lieutenant
Governor may
appoint
councillor

16. Whenever the residents of any division of a district constituted under this Act neglect or refuse to elect a councillor, the Lieutenant Governor in Council may appoint someone to act as councillor in such division.

Lieutenant
Governor
may appoint
official
councillor

17. The Lieutenant Governor in Council may appoint an official councillor to conduct the affairs of one or more divisions of a district and such official councillor shall have within the division or divisions for which he is appointed all the powers and authorities of a councillor conferred by this Act and in all proceedings of any council meetings shall have one vote for each division represented by him and the Lieutenant Governor in Council shall make such order as he may see fit for the remuneration of such official councillor by the council out of the funds of the division or divisions represented by him and upon the appointment of any such official councillor any councillor who may have been previously elected shall cease to hold office as such. In case the official councillor is appointed for all the divisions of a district he shall have all the powers granted to a council under this Act.

OUSTER OF OFFICE.

Removed by
order of judge

18. At any time within one month of the election of any person as chairman or member of a council upon an affidavit showing that any such person has been elected unduly or contrary to this Act or that any such person has been elected to or holds or exercises any such office being incapable under the provisions hereof of holding or continuing to hold the same, and upon the payment into the court of the sum of \$25 as security for costs to abide the event of the application it shall be lawful for the judge of the District Court of the judicial district within which the district is wholly or partly situate, or if the district is equally situate within more than two judicial districts for the judge of the District Court of any such judicial district, to grant a summons calling upon such person to show cause why he should not be ousted of the office; and where upon return of the summons it shall appear to the judge upon affidavit or oral evidence that such person was elected unduly or contrary to this Act or was at the time of his election or while holding or exercising such office incapable under the provisions hereof to hold the same the judge may adjudge such person to be ousted of the same and such person shall be ousted of the same accordingly, or the judge may discharge the summons, and in either case with or without costs 1911-12, c. 4, s. 23.

Disqualifica-
tion of member
not to
invalidate
proceedings

19. No proceedings of the council or of any committee of the council or of any person acting as chairman or member of the council or of a committee shall be invalidated by reason of any defect in the appointment or election or of any disqualification of any such person.

ELECTION OF COUNCIL.

Qualification
of elector

20. At the first election all persons of the age of twenty-one years who are owners or occupants of rateable land in the division shall be entitled to vote.

(2) After the completion of the first revised assessment roll any person of the age of twenty-one years whose name appears on the then last revised assessment roll of the district and who has paid all taxes due the district in respect of the lands which he owns or occupies shall be entitled to vote: 1908, c. 20, s. 21 (2).

Provided that any person of the age of twenty-one years who since the last revised assessment roll of the district has been prepared has become the owner of lands in respect of which some other person appears by the said last revised assessment roll to be the owner or occupant and in regard to which all taxes due the district have been paid, shall be entitled to vote upon signing a declaration in form G. 1909, c. 5, s. 12 (1)

21. A meeting of the electors of each division of a district shall be held in each year for the nomination of candidates for councillor at some place as near the centre of the division as possible, on the first Monday in January at ten o'clock in the forenoon; provided that if such day is a holiday, the nomination shall take place on the next subsequent day not being a holiday. Date of annual meeting

(2) The council of every district shall have the power to appoint returning officers for the election of councillors for the various divisions in each district, and in case no returning officers are named at the last meeting of the council or that the officers named by the council refuse or neglect to act, the secretary-treasurer shall have power to make such further appointments as may be necessary. Appointment of returning officers

(3) The returning officer for each division shall by notice in form A in the schedule to this Act post up in six conspicuous places within such division and at least ten days previous to such meeting call a meeting of the electors within the same for the first Monday in January for the purpose of nominating candidates for the office of councillor for the ensuing year. Notice of annual meeting

(4) The secretary-treasurer may act as returning officer for one of the divisions of a district and the council may pay out of the funds of the district \$10 for each returning officer required. Payment of returning officers

(5) The council of every district shall have the power to make arrangements for the use of a hall, school-house or other building for the nomination and election of councillors and may pay out of the funds of the district the sum of \$2 for each day the building is used for such purpose. Building used for nomination and election may be paid for

22. At the time and place mentioned in the notice referred to in the next preceding section the returning officer shall proceed to the place of nomination and at the hour of ten o'clock in the forenoon shall declare the meeting open for the purpose of receiving nominations for the office of councillor. All nominations shall be made in writing by a proposer and seconder who shall be duly qualified electors of the division for which the election is held. The meeting shall remain open until noon, and the statement referred to in section 70 of this Act shall be read by the returning officer during the period allowed for nomination. If only one person has been nominated for the office of councillor, such person shall be declared elected by the returning officer. In the event of more than one person being nominated for the office of councillor, the returning officer shall declare that a poll will be held in the division and name the time (which Procedure at annual meeting

shall be one week from the day of nomination) and the place where the poll will be open for the taking of votes for the candidates nominated. The poll shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon of the same day. Whenever a poll has to be taken, the returning officer shall within two days after the nomination post up or cause to be posted up in six conspicuous places within the division a notice in form B in the schedule to this Act giving the names of the candidates and the time and place of the election.

(2) The secretary-treasurer of the district shall on or before the day previous to that on which the poll is to be held furnish each returning officer with a certified copy of the last revised assessment roll with respect to all lands in the division for which the election is being held. 1908, c. 20, s. 21 (3).

(3) At all elections the returning officer shall proceed as follows:

Poll

- (a) Set apart a portion of the room where an elector may mark his ballot without the manner of marking the same being discovered;
- (b) Provide sufficient ballots which shall consist of plain sheets of paper all equal size and shape, and as nearly as may be four inches long and two inches wide;
- (c) Provide a receptacle in which the ballots shall be placed when marked;
- (d) At the first election the returning officer shall upon demand give a ballot to each elector who signs a declaration in form C and explain the manner of voting;
- (e) In the case of any election after the first election the returning officer shall upon demand give a ballot to each elector claiming to be entitled to vote under the proviso to subsection 2 of section 20 of this Act, who signs a declaration in form G, and shall upon demand give a ballot to each elector whose name appears upon the certified copy of the last revised assessment roll so furnished to him as aforesaid and who signs a declaration in form D, and explain the manner of voting; 1908, c. 20 s. 21 (5); 1909, c. 5, s. 12 (2).
- (f) The returning officer shall initial each ballot before delivering it to the voter;
- (g) The voter shall write across the ballot the name of the candidate for whom he desires to vote, fold the ballot so as to conceal the name and expose the returning officer's initials, and return the ballot to the returning officer;
- (h) In the case of any voter being unable to write, the returning officer shall mark his ballot as directed by such voter, and in the presence of all persons present in the room at the time;
- (i) Count the ballots when the time has expired for voting and declare the result, such count to be made in the presence of all persons present in the room at the time; 1908, c. 20, s. 21 (4).
- (j) After the ballots have been counted and the result declared the returning officer shall immediately destroy all the ballots cast, in the presence of all persons present in the room at the time;

(k) The returning officer shall make a declaration as to the result of the election in form E.

(4) Whenever more than the required number of candidates are nominated any one of them may within two days after the nomination tender his resignation by filing with the returning officer a declaration in writing to that effect signed by himself in presence of the returning officer, and any votes cast for any such candidate shall be null and void. 1908, c. 20, s. 21 (6).

23. Any person signing a declaration and casting his vote as an elector at an election who is not entitled to vote shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$50 and costs. Penalty for false declaration

24. The returning officer if he is an elector of the division may vote at the election and in case of a tie shall, whether an elector or not, give the casting vote. Vote of returning officer

25. No person who acts as returning officer at an election shall be a candidate at such election. Returning officer not eligible

(2) In the event of any person who has been appointed returning officer being absent, refusing to act or desiring to be a candidate, the electors present may elect another person to act as returning officer by show of hands.

26. Each returning officer shall report forthwith to the secretary-treasurer the name of the councillor elected for his division, and the secretary-treasurer shall by written notice to each councillor elected call the first meeting of the council within the second week after the elections. First meeting of council

27. The secretary-treasurer shall report to the department the name and address of the councillors elected for the current year, together with the name of the chairman of the district not later than the first day of February following. Report to the department

28. The first council in every district shall be elected at a time to be appointed by the Minister who shall appoint the necessary returning officers. First election

(2) The Minister shall cause the prescribed notice to be given of the time and places at which the election so appointed is to be held and such election shall be held in the same manner as is provided in this Act for the elections. Notice of election

(3) On the occurrence of any vacancy in a district council an election to fill such vacancy shall be held forthwith, and such election shall be held in the same manner as is provided in this Act for the elections. Election to fill vacancy

DECLARATIONS ON ELECTION.

29. Every person elected to the office of councillor shall accept such office by making and subscribing the declaration in form F in the schedule hereto within ten days after notice of his election has been served on him personally or left at his usual place of abode and in default thereof shall be liable to a fine of \$25 upon summary conviction before a justice of the peace. Declaration of office

NONACCEPTANCE OF OFFICE.

Vacancy on
nonacceptance

30. If any person elected as chairman or councillor refuses or fails to accept such office as aforesaid the same shall thereupon be deemed vacant and shall be filled up by a fresh election as in the case of a vacancy.

PROCEEDINGS AND POWERS OF COUNCILS.

Date of first
meeting

31. The council of every newly constituted district shall hold its first meeting within the second week after being elected.

Chairman to
be elected

32. At the first meeting of the council or at some adjournment thereof, the members present shall elect one of the members to be chairman of the council. If the chairman resigns his office as chairman or member or his office becomes vacated the council shall elect a member to be chairman in his stead.

Meetings

33. Every council shall meet at such times as are appointed by resolution and shall meet at least four times in every year and every meeting shall be open to the public.

Chairman
to preside

34. The chairman shall preside at every meeting at which he is present, and in the absence of the chairman from any meeting another member shall be elected chairman at and for such meeting.

Record of
proceedings

35. The council shall cause a record to be kept of all the proceedings of the council with the names of the councillors who attend at each meeting, and of the names of all councillors voting upon any question, in books to be provided for the purpose which shall be kept by the secretary under the superintendence of the council, and every such record shall be signed by the chairman at the next succeeding meeting after being approved by the council.

Majority of
council to be
present

36. No business shall be transacted at any meeting of the council unless a majority of the whole number of the members for the time being are present.

Majority
to decide

37. All questions shall be decided by a majority and by open voting.

Vote of
chairman

38. Upon every question the chairman shall have a vote and if the members are equally divided the question shall be decided in the negative:

Provided that if at any election of a chairman of a council or of any meeting there be an equality of votes, it shall be decided by lot which of the councillors having an equal number of votes shall be chairman.

Power to
adjourn

39. The members present at any meeting may from time to time adjourn the meeting.

Enforcement
of *Noxious
Weeds
Ordinance*

40. The council of every district may appoint some person to enforce the provisions of *The Noxious Weeds Ordinance* or

any Act passed in substitution for or amendment of *The Noxious Weeds Ordinance*, within the district who for such purpose shall have all the powers of an inspector under said Act.

41. Whenever in any district any number of occupied dwellings more than five are situated within an area of half a square mile the council shall within such area enforce the provisions of *The Public Health Act* and regulations made thereunder, *The Village Ordinance* or Act passed in substitution therefor, or amendment thereof, relating to the prevention of disease and prevention of fire. 1913 (2nd Session), c. 2, s. 14. Village Act to be enforced in certain areas

SPECIAL MEETINGS OF COUNCIL.

42. The council may at any time hold a special meeting called in pursuance either of a resolution of the council or of a requisition delivered to the secretary and signed by the chairman or any two councillors specifying the time and place at which such meeting is to be held and the business to be brought before the same. Special meeting

43. Notice in writing of the time and place of such meeting and of such business shall be given by the secretary to every member of the council except the members requisitioning for the same three clear days before the day appointed for such meeting. Notice of special meeting

44. Councils may unite with other councils in the execution and maintenance of any works or the performance of any matter or thing deemed by all the councils concerned to be of benefit to their respective districts, and may agree as to the joint control or management of anything that concerns in any way such respective districts or as to the control or management by one or more of such councils of any such thing. Joint action by council

COMMITTEES.

45. The council may from time to time appoint standing or special committees consisting of one or more members of the council and may delegate to such committees any matters for consideration or inquiry or management or regulation. 1908, c. 20, s. 21 (7). Committees of council

(2) Every committee to whom any powers are delegated as aforesaid may exercise or perform the same in like manner and with the same effect as the council.

(3) Every such committee shall be subject in all things to the council and shall carry out all directions general or special of the council given in relation to such committee or its affairs.

46. The council may from time to time discharge, alter, continue or reconstitute any committee appointed by it. Discharge of committee

47. No proceeding of the council or of any committee shall be invalidated or be illegal by reason only of there being any vacancy in the number of councillors at the time of such proceedings. Proceedings not invalid for vacancy in council

RULES OF PROCEDURE.

Resolutions
regulating
procedure

48. The council of every district may subject to the provisions of this Act make or pass resolutions—

1. Regulating the proceedings of the council and of committees and the conduct of meetings thereof;
2. Regulating the adjournment of meetings;
3. Directing notices of meetings to be given and prescribing the form, mode and time of service thereof;
4. Regulating debates;
5. Prescribing the manner and conditions of revoking and altering resolutions;
6. Providing for the custody of documents and records;
7. Prescribing the duties of officers and servants;
8. Prescribing the manner and form of keeping minutes;
9. Concerning anything incidental to any matter in this section referred to;
10. Regulating the rate of pay for all work done by day labour in the district, such rate of pay to be for a day of ten hours and not to exceed the rate of wages current in the vicinity. 1913, c. 9, s. 16.

Payment of
councillors

49. Every council may pass a resolution for paying the members thereof a sum not exceeding \$2 for every day and ten cents for every mile respectively necessarily occupied or travelled in going to, remaining at and returning from not more than six meetings of the council in any year. Provided also that any council may pass a resolution for paying the members thereof a sum not exceeding ten cents per mile for every mile necessarily travelled in laying out or inspecting work to be performed for the benefit of the district. 1915, c. 2, s. 5 (2).

(1a) Every council may pass a resolution for paying the members thereof a sum not exceeding three dollars a day for the time not exceeding twelve days in any one year, necessarily occupied in laying out or inspecting work performed or to be performed for the benefit of the district, providing that any work so performed or to be performed shall be duly authorized by resolution of the council, excepting where such work is of an urgent nature, in which case the payment of the councillors' fees for laying out and inspecting such work shall be payable in the discretion of the council but shall not exceed the amount per day above set forth. 1913, c. 9, s. 16.

(2) No councillor shall receive remuneration for his services except as provided for in subsection 1 and subsection 1a of section 49 of this Act. Any councillor accepting any further or other remuneration shall be guilty of an offence and on summary conviction thereof shall be liable to a fine not exceeding \$50 and he shall be disqualified from holding an office under this Act for twelve months. 1915, c. 2, s. 5.

Appointment
of officers

50. The council may by resolution from time to time appoint and may remove or reappoint fit persons to be secretary-treasurer and all such other officers and servants as they think necessary and may pay such persons such salaries and allowances as they think fit, and the secretary-treasurer shall furnish a

bond of at least one thousand dollars; such bond to be placed in safe keeping by the chairman of the district. 1908, c. 20, s. 21 (8).

(2) The secretary-treasurer shall advise the department of his appointment, post office address and amount of salary he receives within five days of his appointment.

(3) The secretary-treasurer shall be the only official of the district authorized to accept payment of taxes, and no taxes shall be deemed paid until such payment is actually received and receipted for by him.

(4) One-fourth of the secretary-treasurer's salary shall be withheld until he has completed the work of the period for which he was appointed.

(5) The council shall not make any appointment to any office or make any arrangement for the discharge of the duties thereof by tender or by application at the lowest remuneration. 1913, c. 9, s. 16.

50a. The secretary-treasurer of every district shall within one month after entering upon his duties furnish to the municipality security in a penal sum to be named by the council by a bond or policy of guarantee of any corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust, and security shall be renewed at the beginning of each year or changed at other times whenever renewal or change is required by the council. 1913, c. 9, s. 16.

(2) The members of any council failing to take such security or renew same shall be jointly and severally liable for any default of the treasurer to the extent of the sums of which such bond should have been taken: 1913, c. 9, s. 16.

Provided that when the majority of the council refuse or neglect to take such security on the demand of any councillor, such demand being duly recorded in the minutes such councillor shall be relieved from all personal liability in case of the default of such officer. 1913, c. 9, s. 16.

50b. The secretary-treasurer shall furnish at least once a month, to any councillor requesting such statement, within five days of such request, a statement showing the amounts expended by the district within the division for which such councillor is elected, within the previous month. 1913, c. 9, s. 16.

51. No councillor shall be capable of holding any office in the district and it shall not be legal for the council of any district to appoint any one of its members a returning officer for either the division which he represents or for any other division of the district. Councillors not to be paid officers

52. The council may cause to be levied in each year for the general purposes of the district a tax not less than one and one-quarter cents per acre and not more than seven and one-half cents per acre upon every owner or occupant in the district on any land owned or occupied by him, provided that the taxes so levied on any lot containing at least one acre, in any subdivision or plan or on any fraction of a section containing at least one acre shall be at least fifty cents, and the taxes levied on any lot con- Assessment of the district

taining less than one acre in any subdivision or plan, or on any fraction of a section containing less than one acre shall be twenty-five cents. 1913, c. 9, s. 16; 1915, c. 2, s. 5.

(2) In case of land held under grazing lease or permit from the Government of Canada, the tax payable on any quarter section or portion thereof for the purposes of the district shall not exceed \$1.20. 1915, c. 2, s. 5.

Rate to be
fixed by
resolution

53. The rate per acre of the said tax shall be fixed by a resolution of the council.

Assessment
roll

54. The council shall make or cause to be made an assessment roll in which shall be set out the following information:

(a) Each lot or parcel of land owned or occupied within the district and the number of acres it contains;

(b) The name and address of the person assessed on account of each such lot or parcel of land;

(c) The amount of such assessment.

(2) The assessment roll shall be kept at the office or residence of the secretary and may be inspected at any reasonable time by any ratepayer.

(3) It shall be the duty of the officials in charge of the land titles office within the province when so required by the secretary-treasurer of a local improvement district to give him free of charge all information he requires for assessment purposes respecting property situated within the limits of the district for which he is secretary-treasurer.

Owner not
known

55. If the name of the owner of any lot or parcel of land in the district is not known and cannot after reasonable inquiry be ascertained the same shall be deemed to be duly assessed if entered on the roll with a note that the owner is unknown.

Correction of
errors in roll

56. If any land for which someone should have been assessed has been omitted from the assessment roll or any error made in the particulars contained therein, the council may cause the necessary additions or alterations to be made any time in the year in which such assessment is made, and a tax notice in accordance with such addition or alteration shall forthwith be sent to the owner of the property affected.

Notice of
assessment

57. The secretary-treasurer shall prepare the assessment roll as soon as possible after the beginning of each year or after the organization of the district, and shall forthwith mail to each ratepayer whose name and address appears on the assessment roll a notice of his assessment which shall include any arrears of taxes accruing on his land since the constitution of the district, and the entry of the date of the mailing of such notice together with the initials of the secretary-treasurer on the assessment roll shall be *prima facie* evidence of the mailing of such notice on the date entered without proof of the appointment or signature of the secretary-treasurer.

Appeal from
assessment

58. Any person who feels himself aggrieved by the tax assessed may within thirty days after the mailing of such notice appeal from such assessment by delivering notice of such appeal in

writing to the council; and an appeal shall lie from the council upon the decision in the matter to the Minister whose decision shall be final.

(2) All persons paying taxes on or before the first day of July of the year in which such taxes were levied may be allowed a reduction of ten per cent. on the same. From the first day of July until the last day of December taxes shall be payable at par. On the first day of January following, as a penalty, an additional sum amounting to ten per cent. of such taxes shall be added thereto. On the first day of January in each year thereafter, as a penalty, an additional sum amounting to ten per cent. of all arrears of taxes shall be added thereto. Penalty on delinquent taxes

59. In case any person neglects to pay his taxes or arrears of same for two months after the mailing of the notice to him as herein provided the secretary may by himself or his agent levy the same with costs by distress of the goods and chattels of the person who ought to pay the same or of any goods or chattels in his possession wherever the same may be found, or of any goods or chattels found on the land the property of or in possession of any other occupant thereof, and may impound the same on the premises where distrained; and no claim of property, lien or privilege shall be available to prevent the sale or the payment of the taxes and costs out of the proceeds of the sale thereof. 1910 (2nd Session), c. 2, s. 18 (1). Distress for taxes

60. The taxes accruing upon or in respect of any land in the district shall be a special lien upon such land having priority over any claim, lien, privilege or encumbrance thereon. Taxes a lien

61. Any taxes or arrears of taxes due to a district may be recovered by suit in the name of the district as a debt due to the district, in which case the assessment roll shall be *prima facie* evidence of the debt. Suit for taxes

62. The secretary shall enter all amounts paid him for taxes on the original assessment roll opposite the lot or parcel of land for which such payment is made; and shall issue an official receipt for all such payments in form to be prescribed by the Minister. Taxes paid to be entered on roll

63. The council may enter into any contract for any of the purposes of this Act. Contract by council

64. If such contract is for the execution of any work it shall specify the work to be done and the materials to be furnished, the price to be paid for the same, the time or times within which the work is to be completed and the penalties to be suffered in case of nonperformance thereof. Conditions relating to contracts

65. The council shall have full power and authority to erect, construct and maintain within the district any public works which in the opinion of the council may be necessary, whether such works are to be or have been constructed wholly within the district or form part of works constructed or to be constructed in one or more districts. Construction of works partly without the district

65a. The council of each district may spend a sum not exceeding four hundred dollars in each year for the purchase and distribution of gopher poison under regulations issued by the Minister of Agriculture. 1909, c. 5, s. 3; 1913, c. 9, s. 16; 1915, c. 2, s. 5.

65b. The council of each district may authorize payment of the expenses to the extent of \$50.00 of delegates to the annual conventions called by "The Alberta Local Improvement Districts Association," and proper vouchers must be furnished for same. 1910 (2nd Session), c. 2, s. 18 (2).

Control of
works already
constructed

66. The Lieutenant Governor in Council may from time to time place under the temporary or permanent management and control of a council any public works, buildings, erections, machines, implements, wells, reservoirs or other things which have been commenced, constructed, purchased or provided for out of any moneys appropriated by the Legislative Assembly or belonging to any large local improvement district erected under the provisions of any Act of the province.

Council not
authorized to
interfere with
government
works

67. Nothing in this Act shall be deemed to entitle the council to interfere with any public works carried on or executed by the Government or under the control of the Government without the consent in writing of the Minister of Public Works.

Apportionment
of expenditure
between
divisions

68. The council shall cause at least one-half of the taxes collected in each division in each year to be expended in such division. Provided the council by resolution unanimously adopted at a meeting of the whole council may decide that the amount to be thus spent may be reduced to one-quarter of the taxes collected in the division. 1908, c. 20, s. 21 (9).

(2) No accounts shall be paid by the secretary-treasurer until such payment has been authorized by a resolution passed in council and signed by the chairman; and it shall be necessary for the secretary-treasurer of the district to submit to the local improvement inspector a separate resolution showing authority for each item of expenditure shown on the records. 1908, c. 20, s. 21 (10).

ACCOUNTS.

Books of
accounts to
be kept

69. The council shall cause books to be kept and regular accounts to be entered therein giving full particulars of all moneys received or paid. They shall also cause receipts and vouchers to be filed showing details of each transaction. In addition they shall cause a complete and accurate record to be kept of all minutes of council meetings and of all correspondence and, where money has been spent for the building of roads or bridges, a description of the location and the nature of the work shall be given.

(2) In order that the accounts and records of the district may be kept correctly and according to uniform method only such books and forms as are authorized by the department shall be used for keeping such accounts and records.

Statement of
receipts and
expenditure

70. The council shall also cause to be prepared a statement showing the financial position of the district at the end of December in each year showing the amount received from each

source of ordinary income and the various matters and things on which such accounts have been expended, which statement shall be produced and read at the annual nomination for the office of councillor during the hours when nominations are being received. 1908, c. 20, s. 21 (11.)

71. The council may in anticipation of the collection and payment of the general taxes payable in any year from time to time borrow moneys on the credit of the district rates to an amount not exceeding one-half of the total estimated revenues of the district for the year. Borrowing power

AUDIT OF THE BOOKS OF THE DISTRICT.

72. The books of every district shall be audited each and every year by one of the local improvement district inspectors hereinafter provided for, or by a competent person to be named for the purpose by the Minister Books to be audited each year

LOCAL IMPROVEMENT DISTRICT INSPECTORS.

73. The Lieutenant Governor in Council may from time to time appoint for the purpose of this Act one or more officials who shall be known as local improvement district inspectors. It shall be the duty of the local improvement district inspectors to inspect the office of the secretary-treasurer of each local improvement district at least once a year and to make a thorough and careful examination of the books, papers, assessment rolls, tax rolls, accounts, vouchers and money of each district for the purpose of ascertaining if such are being kept in a correct, proper, safe and methodical manner. Appointment of local improvement district inspectors

74. The inspector upon any such examination or inspection may require the secretary-treasurer or any other person to appear and give evidence on oath, and for this purpose he shall have the same power to summon such official or other person to attend as witnesses and enforce their attendance and to compel them to produce books and documents and to give evidence, as any judge or court has in civil cases; and the secretary-treasurers of all districts shall as often as required by the said inspector produce all books and documents required to be kept by them for examination and inspection. Inspectors may summon witnesses

75. Every secretary-treasurer shall, when required to do so by the said inspector at any reasonable time, produce and exhibit for examination and inspection all books, accounts and documents in his possession, custody or control as secretary-treasurer of the district. Secretary-treasurer to produce books

(2) Any secretary-treasurer who neglects or refuses to comply with the provisions of the next preceding section shall on summary conviction thereof before two justices of the peace be liable for each offence to a fine or penalty of not more than fifty dollars nor less than five dollars. Penalty

76. All district inspectors shall make a report to the department of all inspections made. A copy of this report shall be Inspectors' reports

forwarded by the department to the chairman of each council for presentation to the council, and if such report shows any failure in the performance of duty of any officer of the district, any errors in the keeping of the books and accounts of the district or any discrepancies in the books or cash of the district, it shall be the duty of the council receiving such report to take action thereupon in accordance with the recommendation given by the department or as the exigency of the case may require and notify the department of the action they have taken.

Banks to give
information

77. Any bank or any agency of any bank carrying on business in the Province of Alberta shall at any time upon the request of a local improvement district inspector state the balance or condition of accounts of any district having any account with it together with any particulars of same that may be required.

77a. The Minister may appoint a district commissioner for any small local improvement district, or for one or more divisions thereof whenever he is satisfied by such proof as he may require that the affairs of the district or one or more divisions thereof are not being carried out according to the provisions of this Act, or to the best interests of the people of the district or the said divisions thereof. 1908, c. 20, s. 21 (12).

(2) The remuneration to be paid by any district commissioner shall be fixed by the Minister, and such remuneration shall be paid out of the funds of the district by the secretary-treasurer of such district on receiving authorization from the Minister to do so. 1908, c. 20, s. 21 (12).

77b. A district commissioner appointed under the provisions of the Act shall have all the powers and authority of the council of the district for which he is appointed and during the time of his appointment no election of the council shall be held by the council of the district, provided that where a district commissioner is appointed for only part of a district the above provisions in regard to the holding of elections shall only apply to the division or divisions of the district for which he is appointed. 1908, c. 20, s. 21 (12).

(2) Upon appointment of a district commissioner, the council of the district for which he is appointed shall cease to hold office provided that if a district commissioner is only appointed for part of the district, this provision shall only apply to the councillor or councillors representing the division or divisions for which he was appointed. 1908, c. 20, s. 21 (12).

77c. The council of the district and any or all of their officers shall, upon demand of the district commissioner, hand over to him all moneys, books, plans, tools, implements and other property whatsoever belonging to the district, and any official of such council refusing or neglecting to so hand over all moneys, books, plans, tools, implements or other property of the district shall be guilty of an offence, and liable on summary conviction thereof to a fine not exceeding one hundred dollars or to imprisonment for one month or both. 1908, c. 20, s. 21 (12).

77d. Upon expiration of the term of the appointment of any district commissioner, or at an earlier date, if he deems it expedient

to do so, the Minister shall make provision for the election of a new council for the district. 1908, c. 20, s. 21 (12).

77e. In the event of the death or resignation of any district commissioner appointed under the provisions of this Act, the vacancy so caused shall be filled by the appointment of a new district commissioner by the Minister. 1908, c. 20, s. 21 (12).

77f. The Minister may from time to time make such rules and regulations, and prescribe such forms not inconsistent with the provisions of the Act, as may be necessary to the effective and proper administration of any district for which the district commissioner shall have been appointed as herein provided. 1908, c. 20, s. 21 (12).

LARGE LOCAL IMPROVEMENT DISTRICTS.

78. The Lieutenant Governor in Council may by order, Erection of large district notice of which shall be published in the official gazette, organize and constitute as a large local improvement district any portion of the province not already contained in a city, town, village, rural municipality or district; and may designate such large district by a distinctive name or number. 1911-12, c. 4, s. 23; 1914, c. 2, s. 13.

78a. The Lieutenant Governor in Council may appoint a tax commissioner and such other officials and clerks as may be found necessary or desirable from time to time to carry into effect the provisions of this Act and shall fix their salaries or remuneration and may by regulation provide for the charging up and payment out of the funds of the districts respectively, as mentioned in section 87 of this Act, the whole or any portion of the salaries or remuneration of the said tax commissioner, officials and clerks together with any other necessary expenses incurred in connection with the administration of the affairs of the said districts or any of them in such proportion as to each district having regard to its assessments as may be just. 1908, c. 20, s. 21 (13).

79. The assessment of lands made as hereinafter provided Assessment to be made in department in a large district now or hereinafter organized and constituted under the provisions of this or any previous Act shall be made in the local improvement branch; and all notices of such assessment shall be issued from that branch.

80. In large districts the rate of assessment shall be three Rate of assessment and one-eighth cents per acre upon land other than land held under grazing lease from the Government of Canada, and on land so held under grazing lease from the said Government the rate of assessment shall be three-quarters of one cent per acre. 1908, c. 20, s. 21 (14); 1913 (2nd Session), c. 2, s. 14.

Provided that in any large district if the Minister is satisfied that the said rate of assessment would raise a sum greater than would be necessary to effect the improvement required in such district, the rate of assessment may be reduced to such less amount per acre as the Minister may determine:

Provided that the taxes so levied on any lot containing at least one acre, in any subdivision or plan, or any fraction of a section containing at least one acre, shall be at least fifty cents,

and the taxes levied on any lot containing less than one acre in any subdivision or plan, or any fraction of a section containing less than one acre shall be twenty-five cents. 1913 (2nd Session), c. 2, s. 14.

Assessment
roll

81. As soon as possible after the beginning of each year or after the organization of a large district an assessment roll shall be prepared for each large district upon which shall be entered as accurately as may be the following information:

(a) Each lot or parcel of land owned or occupied within the district and the number of acres it contains;

(b) The name and post office address of the person assessed as owner or occupant of each lot or parcel;

(c) The amount of assessment;

(d) The amount of previous assessments which have not been paid.

Assessment
owner or
address is
unknown

82. If after reasonable inquiry the name and address of the owner or occupant of any lot or parcel of land in a large district cannot be ascertained, the same shall be deemed to be duly assessed if entered on the roll as "owner unknown," or "address unknown," as the case may be.

Notice of
assessment

83. Upon completion of the assessment roll it shall be signed by the tax commissioner, and a notice shall then be sent by ordinary mail to each person whose name appears on the roll stating the land in respect of which such person is assessed, the amount of such assessment and requesting payment of same; and the entry upon the assessment roll of the date of mailing such notice together with the initials of the clerk mailing the same shall be *prima facie* evidence that the notice was duly mailed on that day.

Corrections of
errors in roll

84. If any property in a large district in respect of which any person should have been assessed has been omitted from the assessment roll or been entered on the roll in the name of the wrong person or with an incorrect acreage the necessary addition or alteration to correct the error may be made at any time thereafter, such addition or alteration being initialled by the tax commissioner, or someone authorized by him in writing for that purpose and a notice of assessment in accordance with such addition or alteration shall forthwith be sent to the owner of the property affected. 1909, c. 5, s. 12 (4).

Taxes a
special lien

85. The taxes accruing upon or in respect of any land in a large district shall be paid in cash and shall be a special lien upon such land having priority over any claim, lien, privilege or encumbrance thereon.

Penalty on
delinquent
taxes

(2) In the event of any taxes remaining unpaid on the first of January of the year following that in which the same were levied there shall be added thereto as a penalty an additional sum amounting to ten per cent. of such taxes. On the first day of January in each year thereafter as a penalty an additional sum amounting to ten per cent. of all arrears of taxes shall be added thereto.

Distress
for taxes

86. In case any ratepayer neglects or refuses to pay his taxes in a large district for two months after the mailing of the notice

as provided by section 83 of this Act, the Minister may by his agent levy the same with costs by distress of the goods and chattels of the person who ought to pay the same, or of any goods and chattels in his possession wherever the same may be found in the province, or of any goods and chattels found on the premises the property of or in the possession of any other occupant of the premises, and may impound the same on the premises where distrained; and no claim of property, lien or privilege shall be available to prevent the same or payment of the taxes and costs out of the proceeds of the sale thereof.

(2) Any taxes or arrears of taxes due in respect of any land in a large district may be recovered by suit in the name of the Minister as a debt due the Minister, in which case a certified copy of the assessment roll shall be *prima facie* evidence of the debt. Suit for taxes

87. The taxes collected in any large district shall be deposited in a chartered bank to the credit of a district's trust account; and shall be expended under the direction of the Minister of Public Works in making such improvements as may from time to time be required in the district, or on roads leading immediately to the said district: 1911-12, c. 4, s. 23; 1914, c. 2, s. 13. Moneys, how expended

Provided, however, that the expenses incidental of the assessment and collection of the taxes hereunder and any other necessary expenses in connection with the administration of the affairs of the said district shall be the first charge upon the funds in said account. 1908, c. 20, s. 21 (15).

(2) The details of the expenditure in any large district shall be published in the public accounts annually submitted to the Legislative Assembly.

88. All accounts and contracts for work in large districts shall be in duplicate, and shall be audited by the provincial auditor and properly certified by him before being paid. Accounts to be audited

89. Should it at any time be deemed expedient to disorganize or alter the boundaries of any large district or to withdraw any area therefrom or to amalgamate any two or more districts which have been organized, such disorganization, alteration, withdrawal or amalgamation may be effected upon recommendation of the Minister by order of the Lieutenant Governor in Council. Disorganization or alteration of boundaries

89a. Where any lands formerly within a large district have been included in a district, all arrears of taxes in respect of such lands existing at the date of such inclusion, shall be due and payable to the district, and payment to the district shall be a good and valid discharge to the person paying, of all liability therefor or of any lien in respect thereof. 1914, c. 2, s. 13.

RETURNS TO MINISTER.

90. The secretary of every district shall between the 25th and 31st days of December in each and every year make out a statement in writing on forms supplied by the Minister containing the information required by the clauses of the second Annual return of assessment taxes, work done, etc.

subsection of this section; he shall allow any ratepayer to inspect the statement and to make a copy of or extract therefrom on any day except Sunday or statutory holidays from the said thirty-first day of December until the ninth day of January following between the hours of ten o'clock in the morning and four o'clock in the afternoon; and he shall then send such statement duly verified by his statutory declaration not later than the first mail after the ninth day of January to the Minister. 1908, c. 20, s. 21 (16).

(2) The said statement shall contain the following information:

- (a) The names and post office addresses of all ratepayers together with a description of the lands for which they are assessed and the amount of such assessment;
- (b) The amount of taxes paid by each ratepayer for the current year and the amount of arrears of taxes if any unpaid by such ratepayer;
- (c) The amount of arrears of taxes paid during the year with the names of the parties paying them and the lands and year in respect of which they are paid;
- (d) Details of any revenue other than taxes received by the district;
- (e) Details of the manner in which all moneys belonging to the district have been expended during the year;
- (f) Any additional information which the Minister may consider necessary regarding the operations or standing of the district.

Return of
arrears of
taxes

91. The secretary of every district shall within the first fifteen days of January in each year make a return verified by his solemn declaration to the Minister in such form as may be by the Minister be from time to time prescribed showing all lands in the district upon which taxes have not been paid together with the years for which such taxes are due, and such return shall be binding upon the district and if any mistake is made therein the said district shall be responsible therefor; any purchaser or mortgagee in good faith of the lands in respect of which the return is made shall not be affected by such mistake. 1910 (2nd Session), c. 2, s. 18 (3).

(2) A like return should be made by the tax commissioner of the department for each large district.

(3) A certified copy of this return for all purposes shall be *prima facie* evidence of the validity of the assessment and imposition of the taxes as shown therein and that all steps and formalities prescribed by this Act have been taken and observed.

(4) The secretary-treasurer of any district shall report to the Minister all payments of arrears of taxes which he may receive immediately on receipt of such payments. 1911-12, c. 4, s. 23.

Application
to judge for
confirmation

92. On application by the Attorney General of the province or some advocate authorized by him to the judge of the District Court of the judicial district within which such local improvement district is wholly or partly situated, or if such district is equally situate within more than two judicial districts to the judge of the District Court of any such judicial district such judge may appoint a time and place for holding of a court for confirmation of the return mentioned in the preceding section, notice of which shall be published in every issue of the official gazette for two months and once a week for at least eight weeks

in a local paper published in the vicinity of the lands entered on such return to be named by the Minister. 1911-12, c. 4, s. 23.

(2) A notice of the time and place fixed for confirmation of such return shall be sent by registered mail at least sixty days prior to the time so fixed to each person who appears by the records of the proper land titles office or by the said return to have any interest in the lands mentioned in the said return in respect of which confirmation is desired, and whose post office address is shown by said records of return; and the entry against such lands of the date of mailing such notice together with the initials of the tax commissioner of the department shall without proof of the appointment or signature of the said tax commissioner be *prima facie* evidence that the required notice has been mailed. Notice to be given

93. At the time and place so appointed the judge shall hear the application and also any objecting parties, and the evidence adduced before him; and thereupon adjudge and determine whether or not the taxes imposed respectively upon each parcel of land included in the return were either wholly or in part in default; and report the adjudication to the said Attorney General; and shall also confirm the return as to those parcels on which any taxes are determined to be in arrears for over two years, naming the amounts severally and adding thereto a reasonable amount for the expenses of advertising together with such sum as he may fix for costs of the application; and the effect of such adjudication shall be to vest in the Crown for the public use of the province the said lands subject however to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by the payment to the Minister of the amounts named, including expenses as aforesaid, together with a redemption fee of five cents for each and every acre in the parcel so redeemed and any subsequent taxes paid by the Minister; but no such redemption fee shall be less than \$2: Adjudication by judge

Provided that the Minister may, on the production to him of evidence of the existence of such facts as may justify him in so doing, allow redemption after the expiration of the said period of one year. 1911-12, c. 4, s. 23.

(2) For the purpose of this section all taxes shall be held to be due on the first day of January of the calendar year within which the same are imposed.

(3) In the event of any person successfully opposing confirmation of the said return as to the land in which he is interested the judge may order an allowance to him as witness fees to be paid by the Minister.

(4) A copy of such adjudication certified by the Minister shall be forwarded to the registrar of land titles of the land registration district in which the lands named in the adjudication or any of them are situated; and such copy shall be notice to the public of the facts contained therein. Copy to be sent to registrar

94. If any person interested in any parcel of land contained in the return presented to the judge for confirmation as provided by section 93 of this Act pays the taxes upon such land before the date fixed for confirmation of such return but after such Costs when paid after application to judge

date has been fixed he shall in addition to the amount of taxes shown by such return to be overdue pay the sum of \$1 for each quarter section or portion thereof in lieu of the costs of application to the judge and advertising and postage in connection with such proceedings; and any sum so paid shall form part of the general revenue.

Order vesting
title in Crown

95. At any time after the expiration of the year last named on *ex parte* application by the Attorney General or some advocate authorized by him and production to the last named adjudication together with a certificate of the Minister showing that the land has not been redeemed the judge by order in chambers may direct that the title to such of the land named in the adjudication as has not been redeemed by the owner be absolutely vested in His Majesty freed from all liens, mortgages and encumbrances of whatever nature and kind the same may be.

Payment of
taxes by
Minister

96. So soon as the return of the secretary of any district has been confirmed the Minister shall pay to the secretary the amount of taxes adjudged in arrears on each parcel of land deducting therefrom any charges he may have been required to pay; and thereafter while owned by His Majesty the said land shall be assessed in the name of the Minister who shall pay taxes as if the land were assessed to an ordinary individual.

EXEMPTIONS.

Exemptions

97. In any district or large district the property exempt from taxation under the provisions of this Act shall be—

1. All land held by or in trust for the use of any tribe of Indians;
2. The land to the extent of two acres held by or for the use of any public or separate school;
3. The land to the extent of one acre held by or for the use of any church and occupied by a building used for church purposes;
4. The land in use as a public cemetery not exceeding twenty-five acres;
5. The land used as a right-of-way for an irrigation canal or ditch;
6. All unenclosed land held under hay permit.

Authentication
of orders, etc.

98. Every order, notice or other such document requiring authentication by the council may unless otherwise provided be signed by the chairman and secretary.

Regulations of
Lieutenant
Governor

99. The Lieutenant Governor in Council may from time to time make such regulations not inconsistent with this Act as he deems necessary for the following purposes or any of them, that is to say:

1. Prescribing the duties and functions of all officers and other persons appointed or employed under this Act;
2. Prescribing the form of returns to be made, the particulars to be set forth therein and the persons by whom and the time when or within such returns shall be made, and other documents referred to in this Act or necessary in order to give effect thereto;

3. Providing where there is no provision in this Act or no sufficient provision in respect to any matter or thing necessary to give effect to this Act in what manner and form the deficiency shall be supplied;

4. For any purpose, whether general or to meet particular cases that may be desirable in order to carry out the object and purposes of this Act or to give effect to anything for which regulations are contemplated or required by this Act.

100. The Lieutenant Governor in Council shall settle, adjust and decide any question arising between any councils with regards to any rights, powers or duties conferred by this Act. Settlement of difference by Lieutenant Governor

101. If anything to be done by or under this Act at or within a fixed time cannot be or is not so done the Lieutenant Governor in Council may by order from time to time appoint a further or other time for doing the same whether the time within which the same ought to have been done has or has not expired. Extension of time by order of Lieutenant Governor

(2) Anything done within the time prescribed by such order in council shall be as valid as if it had been done within the time fixed by or under this Act.

102. The Minister may make such orders as he may think fit for the adjustment of assets of small and large local improvement districts affected by this Act and of any district or large district affected by any action under this Act. Order by Minister for adjustment of assets

103. All small and large local improvement districts existing at the coming into force of this Act are hereby continued provided that all small and large local improvement districts which were previously in existence shall be deemed to continue to exist so far as may be necessary for the enforcement of the payment of taxes due and for any action that may be required to be taken with reference thereto. Existing districts continued

104. Any secretary of a district who neglects to discharge the duties of his office or who neglects or refuses to render true and correct returns when required to do so under the provisions of any Act of the Province of Alberta or who refuses or neglects to hand over to his successor on demand therefor all moneys, books, papers and other property of the district in his possession in addition to any civil liability which he may thereby incur shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$50. Secretary neglecting to discharge duties

105. Chapter 24 of the Ordinances of 1903 (2nd Session), chapter 8 of the Ordinances of 1904, and chapter 11 of the Statutes of Alberta, 1906, are hereby repealed.

SCHEDULE.

FORM A.

NOTICE FOR NOMINATION AT ELECTIONS.

NOTICE.

Local Improvement District.....
Division No.....

Public notice is hereby given that a meeting of the electors of Division No..... of the Local Improvement District aforesaid, will be held at..... on..... the..... day of....., 19....., from ten o'clock until noon of the said day for the purpose of nominating candidates for the office of Councillor for the said Division of Local Improvement District..... for the ensuing year.

Dated under my hand at..... this..... day of....., 19.....

.....
Returning Officer.

FORM B.

POLLING NOTICE AT ELECTIONS.

NOTICE.

Local Improvement District.....
Division No.....

Public notice is hereby given to the electors of Division No..... of Local Improvement District..... aforesaid, that a poll has been granted for the election now pending for Councillor for the said Division No..... of Local Improvement District..... and that such poll will be open on..... the..... day of....., 19..... from the hour of nine o'clock in the morning till five o'clock in the afternoon at.....

The candidates for the office of councillor for said Division being.....

And that I will at..... on..... the..... day of....., 19..... at five o'clock in the afternoon sum up the votes and declare the result of the election.

Given under my hand at..... this..... day of....., 19.....

.....
Returning Officer.

FORM C.

Division No..... District.....

The undersigned severally declare each for himself that he is a ratepayer in the above named division, over twenty-one years of age and votes in respect of the land set opposite his name hereto.

NAME	LAND VOTED UPON

.....
Returning Officer.

FORM D.

Division No.

District.

The undersigned severally declare each for himself that he is a ratepayer in the above named division, over twenty-one years of age and votes in respect of the land set opposite his name hereto, that his name appears on the then last revised assessment roll and that all taxes due the district against such land have been paid.

NAME	LAND VOTED UPON

1909, c. 5, s. 12 (6).

FORM E.

I,, the undersigned returning officer for Division No. of Local Improvement District. do solemnly declare that. of. was duly elected Councillor for Division No. of Local Improvement District. at the election held at. on. the. day of. 19.

Returning Officer.

Declared before me at.
this. day of
..... 19.

Notary Public, Commissioner or J.P.

FORM F.

I,, hereby declare that I accept the office of councillor for Division No. of Local Improvement District. to which I was elected on the. day of. 19., and promise to perform the duties of such office to the best of my ability.

Witness my hand this. day of. 19.

Signed in the presence of
.....

FORM G.

Division No.

District.

I,, declare that since the preparation of the last revised assessment roll of the above named district, I have become the owner of the following lands:

.....
that all taxes due the district in respect to the said lands have been paid and that I am the person entitled to vote in respect of the said lands.

Declared before me. at.
this. day of., 19.

1909, c. 5, s. 12 (5).

Returning Officer.

FORM G (1):

LOCAL IMPROVEMENT DISTRICT No.....

Assessment Roll and General Register for Year.....

Lands Assessed				No. of Acres	Name of person assessed	P.O. address	Owner or occupant	Rate of assessment	Amount of taxes for current year	Arrears of Taxes	Years for which arrears are due	Total taxes due	Date of mailing notice of assessment	Amount paid	Receipt No.	Arrears of taxes carried forward	Years for which arrears are carried forward
Part of Section	S.	Tp.	Re.	M.													
									\$ 0	\$ 0		\$ 0		\$ 0		\$ 0	

FORM H.

PROVINCE OF ALBERTA.

THE LOCAL IMPROVEMENT ACT.

District.....

NOTICE OF ASSESSMENT.

M.....

Take notice that you have been assessed under the provisions of *The Local Improvement Act* for the undermentioned lands in the above District, and that taxes are now due and payable to the undersigned as follows:

.....quarter of section.....in Township
.....Range.....west of the.....
Meridian.

Taxes for year 19.....on.....acres at

.....per acre.....\$

Arrears of taxes for years.....\$

Total amount of taxes due.....\$

Dated at.....

this.....day of

.....19.....

.....
Sec'y-Treas., District.....

P.O.....

Subsection 2 of section 58 of *The Local Improvement Act* provides that all persons paying taxes on or before the first day of July of the year in which such taxes were levied may be entitled to a reduction of ten per cent. on the same. From the first day of July until the last day of December taxes shall be payable at par. On the first day of January following, as a penalty, an additional sum amounting to ten per cent. of such taxes shall be added thereto. On the first day of January in each year thereafter, as a penalty, an additional sum amounting to ten per cent. of all arrears of taxes shall be added thereto.

1907

CHAPTER 12.

An Act respecting Public Health.

(Repealed and Substituted 1910, 2nd Session, c. 17, s. 33.)

1907

CHAPTER 13.

An Act respecting the Registration of Births, Marriages and Deaths.

(Assented to March 15, 1907.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

Short title **1.** This Act may be cited as "*The Vital Statistics Act.*"

INTERPRETATION.

2. In this Act unless the context otherwise requires—

Minister 1. The expression "Minister" means the Minister of Agriculture; 1913 (2nd Session), c. 2, s. 15.

Department 2. The expression "department" means the Department of Agriculture presided over by the Minister administering this Act; 1913 (2nd Session), c. 2, s. 15.

Occupier 3. The expression "occupier" where used in the fourteenth and eighteenth sections of this Act shall be construed to include the governor, master, warden, keeper, superintendent or other officer in charge of a gaol, prison, penitentiary, lunatic asylum, hospital, reformatory, immigration building or other public or private charitable institution;

Registrar 4. The expression "registrar" means any person duly appointed under the provisions of this Act;

5. The expression "camp or mine" means and includes any lumber, saw mill, railway or other construction camp, railway camps or any other maintenance work, quarries, mines, smelting or cement works situated outside of the limits of any city, town or village. 1911-12, c. 4, s. 24.

ADMINISTRATION.

3. The Minister shall be Registrar General and shall be charged with the administration of this Act. 1913 (2nd Session), c. 2, s. 15.

INSPECTOR OF VITAL STATISTICS.

Appointment of inspector **4.** The Lieutenant Governor in Council may appoint a Deputy Registrar General and an inspector of vital statistics whose duties shall be prescribed by the Minister. 1913 (2nd Session), c. 2, s. 15.

REGISTRARS.

Appointment of registrar **5.** For the purpose of this Act the Minister may appoint any person whom he may think fit to be registrar of vital statistics.

6. The department shall supply the registrars with the blank forms and registers necessary for the discharge of the duties herein imposed upon them; and it shall be the duty of such registrars to apply to the department for the issue of such blank forms and registers whenever they may require them. Forms to be supplied by the department

(2) The cost and expenses of such forms and registers and the expenses attendant upon the distribution thereof shall be paid out of the general revenue fund of the province. Costs of forms, etc., defrayed out of general revenue fund

7. In case of the termination of the appointment of any registrar by death, resignation or otherwise, all such forms and other matters pertaining to his duties under this Act or in his possession or that of his representative shall forthwith be delivered to his successor in office. Forms, registers, etc., to be delivered to successor in office

8. Every registrar shall keep a register, the form of which shall be prescribed by the Minister, of all births, marriages and deaths duly certified by him in the manner required by section 30 of this Act. Register to be kept by registrars

9. Each registrar shall receive a fee to be paid out of the general revenue fund of the province of twenty-five cents for each birth, marriage or death reported to him and duly returned to the department as herein provided. Registrar's fees

POPULATION STATISTICS.

10. Secretaries of municipalities, villages and local improvement districts shall make a return to the department on or before the third day of September in each year, giving the approximate number of people resident in their respective municipalities, villages and local improvement districts on the thirtieth day of June in that year, and such returns shall be in the form prescribed by the Minister. Secretaries of municipalities to make return

CHURCH NOTICES.

11. Every clergyman, minister or other person authorized to baptise or perform the ceremony of marriage or conduct funeral services shall keep registers in such forms as may from time to time be determined by the Minister, showing the persons whom he baptises or marries or who die within his cure or congregation, or over whose bodies he may have conducted funeral services. 1908, c. 20, s. 23. Clergyman et al to keep registers

(2) The registers mentioned in this section shall be supplied by the department, and shall be the property of the government but they shall be retained by the church or congregation to which the minister, clergyman or other person performing the ceremony belongs at the time of the first baptism or marriage entry or death which he records therein, and shall thereafter be kept as records in such church, or in case of the abandonment of the church, they shall be filed in the department and such registers shall be open to inspection at any reasonable hour by registrars. 1907, c. 13, s. 11; 1908, c. 20, s. 23. Register to be property of government

12. (*Repealed*—1908, c. 20, s. 23 (3).)

Executive
bodies to
notify
department

13. The executive bodies of every and all religious denomination or denominations shall at least once every six months, and oftener if required by the Minister, send to the department a list of those persons in their denomination or denominations respectively who to their knowledge are authorized to or who do perform the marriage ceremony or the rite of baptism or conduct funeral services in their several denomination or denominations. 1908, c. 20, s. 23 (4).

REGISTRATION OF BIRTHS.

Persons
required to
give particu-
lars of births

14. The father of any child born in this province, or in the case of his death or absence, the mother, or in the case of the death or inability of both parents, any person standing in the place of the parents, or if there is no such person, then the occupier of the house or tenement in which to his knowledge the child was born, or the medical practitioner or nurse present at the birth, shall, within one month from the date of the birth, give notice thereof to the registrar whose post office is nearest to the place at which the birth occurred, giving as far as possible the particulars required in form A in the schedule to this Act, together with such additional information as may from time to time be required by the Minister.

Registration
illegitimate
children

15. In registering the birth of an illegitimate child, it shall not be lawful for the name of any person to be entered as the father unless at the joint request of the mother and the person acknowledging himself to be the father; and in all cases of registration of the birth of illegitimate children the registrar shall write the word "illegitimate" in the column set apart for the name of the child and immediately under the name, if any.

Altering or
inserting
name after
registration

16. When the birth of any child has been registered and the name, if any, by which it was registered has been altered, or if it was registered without a name, when a name is given to it, the parent or guardian of the child or other persons procuring such name to be altered or given, may within ten years next after the date of the birth, deliver to the department a certificate signed by the clergyman or other person who performed the rite of baptism upon which the name was given or altered, or if the child is not baptised, signed by the father, mother, or guardian of the child or other person procuring the name of the child to be given or altered; and the necessary alterations shall be made in the margin of the form containing the original entry without making any alteration in the original entry.

REGISTRATION OF MARRIAGES.

Officiating
clergyman
et al to
report
marriages

17. Every clergyman, minister or other person authorized by law to celebrate marriages shall be required to report every marriage he celebrates to the registrar whose post office is nearest the place at which the marriage is celebrated, within one month from the date of the marriage with the particulars required by form B in the schedule to this Act, together with such additional information as may from time to time be required by the Minister; and in order to better enable the said clergyman, minister or

other person to make the report as aforesaid, he shall be furnished on demand by any registrar with blank forms containing the particulars required by the said form B.

REGISTRATION OF DEATHS.

18. The occupier of a house or tenement in which a death takes place or, if the occupier is the person who has died, then some one of the persons residing in the house in which the death took place, or if the death has not taken place within a house, then any person at the death or having any knowledge of the circumstances attending the same or the coroner who attended any inquest held on the body of such person shall, before the interment of the body, supply to the registrar whose post office is nearest the place at which the death occurred according to his or her knowledge or belief, all the particulars required to be registered, touching such death, according to form C in the schedule to this Act, together with such additional information as may from time to time be required by the Minister.

Who shall register deaths

(2) Where a death occurs in any camp or mine, before interment of the body, the owner, manager or other person in charge shall report such death to the department on form C in the schedule of this Act, together with such additional information as may from time to time be required by the Minister. 1911-12, c. 4, s. 24.

19. Every registrar shall, immediately on registering any death or as soon thereafter as he is required to do so without fee or reward, deliver to any person requiring the same for the purpose of burial a certificate according to form D in the schedule to this Act stating that the particulars of such death have been duly registered.

Certificate to registration required

20. (*Repealed*—1908, c. 20, s. 23 (5).)

21. Every duly qualified medical practitioner who was last in attendance during the last illness of any person shall forthwith on notice or having knowledge of the death of such person transmit to the registrar whose post office is nearest the place at which death occurred a certificate under his signature of the cause of death according to form E in the schedule to this Act, together with such additional information as may from time to time be required by the Minister; and it shall be the duty of every such medical practitioner to apply to the said registrar for blank forms for that purpose. Upon receipt of the certificate from the medical practitioner by the registrar he shall attach the same in a temporary manner to the registration of death provided for in form C in the schedule hereto; provided that where a coroners' inquiry or inquest is held in connection with any death, it shall be the duty of such coroner to sign the certificate of the cause of death. 1911-12, c. 4, s. 24.

Medical practitioners to certify as to cause of death

22. No removal for burial of the body of any person shall take place and no undertaker, clergyman, sexton, householder

Bodies not to be removed for burial until after registration

or other person shall engage in the burial of the body of any person unless a certificate of registration as provided for in form D in the schedule hereto has been previously obtained from the registrar to the knowledge of the person so removing or engaging in the burial of the body:

Proviso

Provided that the body of any person may be interred without a certificate of registration if the death of such person occurred outside the Province of Alberta:

And provided further that a clergyman, minister or other person who is called upon to perform any funeral or religious service for the burial of any dead body under circumstances rendering it unpracticable (by reason of the distance from the post office address of the nearest registrar of the place where the burial service takes place or otherwise) to obtain the said certificate in form D prior to the burial of the body, may perform such ceremony without obtaining such certificate, but in this event such clergyman, minister or other person so performing such burial service shall forthwith make a return in form C in the schedule to this Act to the registrar whose post office address is nearest to the place at which such burial took place. 1907, c. 13, s. 22; 1908, c. 20, s. 23 (6).

Duties of persons in charge of cemeteries

23. No caretaker, superintendent or owner of any cemetery whether public or private, nor any clergyman, minister or other person having charge of a church to which a burial ground is attached shall permit the interment of the body of any person in the burial grounds over which he has charge unless he has received a certificate of registration as provided for in form D in the schedule hereto.

Returns required by department

24. Every such caretaker, superintendent, owner, clergyman, minister or other person in charge of any cemetery shall on or before the last day of June and December in each year transmit to the department a return showing the number of burials therein during the preceding half year, giving the names of the persons whose bodies are therein buried and the date on which each interment took place.

CORRECTION OF ERRORS—SUBSEQUENT REGISTRATION.

Correction of erroneous entry

25. If it is discovered that any error has been made in the entry of any birth, marriage or death, then, upon the same being reported to the proper registrar, it shall be his duty to inquire into the same and if satisfied that an error has been committed it shall be lawful for him to correct the erroneous entry by making the necessary alterations in the margin of the form containing the original entry; and if the original entry of such birth, marriage or death has been transmitted to the department, he shall report to the department according to the facts of the case, so as to secure the correction of such erroneous entry in the margin of the form containing the original entry.

Registration after specified time

26. Every registration of a birth, marriage or death shall be made within the time specified; but nothing herein contained shall prevent the subsequent registration of such birth, marriage or death within the period of two years.

27. After the expiration of two years after the date of any birth, marriage or death, the particulars of such birth, marriage or death shall not be registered except with the written authority of the Minister, and the fact of such authority having been given shall be entered in the column set apart for remarks in the registration form. Registration after two years

28. Every birth, marriage or death registered by the authority of the Minister as herein provided after the expiration of two years shall be accompanied by a search fee of twenty-five cents, and a registration fee of fifty cents. Fee for registration after two years

29. Every registrar shall, within the first week of each month in every year, transmit to the department by registered mail the forms duly certified under his hand containing the original entries of all births, marriages and deaths reported to him during the previous month, and if none have been reported he shall notify the department to that effect on forms provided for that purpose. Monthly returns

30. The original entries of all births, marriages and deaths shall be arranged, indexed and kept in the archives of the department; and any person shall be entitled to have them searched during the regular business hours of the department on payment of twenty-five cents for each search, and to require extracts duly certified by the Minister on payment of fifty cents for each certificate. Vital statistics returns to be kept in department
Fees for search and certificate

(2) In case such searches be required to be made and extracts to be furnished before the returns have been transmitted to the department as required by this Act any registrar shall, as to the returns in his possession, allow such searches to be made and shall furnish certified extracts on payment to him of the fee or fees as provided in this section; but any registrar who may not have transmitted his returns as required by this Act shall not allow such searches to be made or give such certified extracts after the date when such returns should have been transmitted to the department: When registrars may supply certificate or make search

Provided that any coroner shall be entitled to have the returns of births, marriages or deaths searched free of charge by the registrar or other officer having charge of such returns in respect of any inquiry pending before him and to receive extracts duly certified therefrom free of charge. Provided

(3) Such certified extracts shall be evidence of the entry and *prima facie* evidence of the facts therein stated in any court. Certified extracts.
prima facie evidence in any court

REGULATIONS.

31. The Lieutenant Governor in Council may from time to time make such further rules, orders and regulations as may be required for the purpose of effectually obtaining the information required by this Act. Lieutenant Governor in Council may make regulations

32. The Minister may from time to time, as circumstances require, prescribe additional forms, alter or vary any of the forms in the schedule hereto or substitute new ones therefor. Minister may alter forms

PENALTIES AND PROSECUTIONS.

Penalty for
neglect of
registration

33. If any person required by this Act to report births, marriages, deaths or burials, refuses or wilfully neglects to do so within the time named, such person shall be guilty of an offence and on summary conviction thereof forfeit and pay a sum of not less than \$1 or more than \$50; and it shall be the duty of registrars to prosecute all such persons so neglecting or refusing to make the required reports within the time named; but nothing contained in this section shall prevent persons other than registrars from prosecuting defaulters.

Penalty for
false
statement

34. Any person who knowingly or wilfully makes or causes to be made a false statement touching any of the particulars required to be reported and entered under this Act shall be guilty of an offence and liable upon summary conviction thereof to a penalty of \$25.

Penalty for
accepting
fees other
than those
herein
provided

35. No registrar shall accept any fee or fees in connection with the registration of births, marriages and deaths, except as herein provided; and any registrar accepting any fee or fees other than those provided by this Act shall be guilty of an offence, and on summary conviction thereof liable to a penalty not exceeding \$25. 1907, c. 13, s. 35; 1908, c. 20, s. 23 (7).

Penalty for
destroying
posters

36. Any person wilfully removing, defacing or destroying public notices relating to the registration of births, marriages and deaths shall be guilty of an offence and liable on summary conviction thereof to a penalty of \$5.

Penalty for
other acts or
omissions

37. Any person guilty of any act or omission in violation of any of the provisions of this Act for which no other penalty is provided shall be liable on summary conviction thereof to a penalty of not more than \$20.

Ordinance
repealed

38. Chapter 14 of the Consolidated Ordinances of the North-West Territories, being *An Ordinance respecting the Registration of Births, Marriages and Deaths*, and chapter 2 of Ordinances of 1900 are hereby repealed.

SCHEDULE:

FORM A.

CANADA, { For the use of the Department only }
 PROVINCE OF ALBERTA. { Record No. of 191.... }

REGISTRATION OF BIRTHS.

Registered at

Date of Birth	day of 191....
Place of Birth (Street and No., if any)	
Christian Name (if any) and Surname	
Sex (Male or Female)	
Name and Surname of Father	
Native Country of Father	
Profession or Occupa- tion of Father	
Name and Maiden Surname of Mother	
Native Country of Mother	
Name of Doctor in Attendance at Birth (if any)	
REMARKS	

I certify the foregoing to be true and correct to the best of my knowledge and belief.

Given under my hand at this
 day of 191....

.....
Informant.

I hereby certify that the above return was made to me at
 on the day of 191....

.....
Registrar.

Registrar's Record No. of 1....

FORM B.

CANADA, { For the use of the Department only }
 PROVINCE OF ALBERTA. { Record No. of 191. }

REGISTRATION OF MARRIAGE.

Registered at

BRIDEGROOM	
Name in full	
Age	
Place of Residence (Nearest Post Office)	
Place of Birth	
Bachelor or Widower	
Profession or Occup'n	
Name of Parents	{ Father Mother
BRIDE	
Name in Full	
Age	
Place of Residence before Marriage (Nearest Post Office)	
Place of Birth	
Spinster or Widow	
Names of Parents	{ Father Mother
Name of Church or Occupier of House in which Marriage took Place and Address (Street and No. if any)	
Names and Addresses of Two Witnesses	
Religious Denomination of Officiating Clergyman	Of Bridegroom Of Bride
Date of Marriage	day of 191....
By License or Banns	
REMARKS	

I certify the foregoing to be true and correct to the best of my knowledge and belief.

Given under my hand at this
 day of 191....

.....
Officiating Clergyman.

I hereby certify that the above return was made to me at
 on the day of 191....

.....
Registrar.

Registrar's Record No. of 1.

FORM C.

CANADA, { For the use of the Department only }
 PROVINCE OF ALBERTA. { Record No. of 191.... }

REGISTRATION OF DEATH.

Registered at

Name of Deceased in Full		
Date of Death	day of 191....	
Place of Death Street and No. (if any)		Special Information for Hospitals, Transients or Recent Arrivals. Recent Arrivals. Former or Usual Residents. How long at place of death. Where was disease contracted.
Sex (Male or Female)		
Age		
Married or Single		
Profession or Occupation		
Place of Birth		
Cause of Death		
Name of Physician (if any) attending Fatal Illness		
Religious Denomination		
REMARKS		

I certify the foregoing to be true and correct to the best of my knowledge and belief.

Given under my hand at this
 day of 191....

.....
Informant.

.....
Occupation and Address.

I hereby certify that the above return was made to me at
 on the day of 191....

.....
Registrar.

Registrar's Record No.

FORM D.

CERTIFICATE OF REGISTRATION OF DEATH.

I, Registrar at
do hereby certify that the particulars of the death of
have been duly registered.

Given under my hand at this
day of 191....

.....
Registrar.

This certificate must be obtained before the interment of any body may take place, and must be delivered at the time of burial to the superintendent or caretaker of the cemetery in which such body is interred.

FORM E.

CANADA,
PROVINCE OF ALBERTA.

CERTIFICATE OF CAUSE OF DEATH.

Name and Surname of Deceased	
Place of Death (Nearest Post Office)	
Sex	
Age	
Duration of Illness	
Cause of Death	<div style="display: flex; align-items: center;"> <div style="font-size: 2em; margin-right: 5px;">{</div> <div> Primary Immediate </div> </div>

I hereby certify that to the best of my knowledge and belief the cause of death above stated is the true cause of death of the person herein named.

Place.....

Date.....

.....
Attending Physician.

N.B.—Physicians furnishing certificates of cause of death will adhere as closely as possible to the schedule of causes of deaths furnished them by the Department of Agriculture and are requested to avoid giving as causes of deaths conditions which are purely symptomatic.

1907

CHAPTER 14.

An Act for the Protection of Game.

(Assented to March 15, 1907.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Game Act.*"

Short title

INTERPRETATION.

2. In this Act unless the context otherwise requires—

Interpretation

1. The term "game" shall apply to all animals, dead or alive, mentioned in sections 4 and 5 of this Act and to the parts of such animals as well as to the birds protected by section 21 of this Act;

2. The term "big game" shall apply to such animals as are mentioned in section 4 of this Act and to the parts of such animals;

3. The term "game bird" shall apply to all birds belonging to the families mentioned in section 5 of this Act;

4. The term "fur-bearing animal" shall apply to such animals as are mentioned in section 6 of this Act;

5. The term "close season" shall mean the period during which the killing of any animals or birds is prohibited by this Act;

6. The term "nonresident" shall mean a person who has not resided in the Province of Alberta for three months prior to the first day of September in any year or who does not occupy a quarter section of land as owner, lessee or homesteader; 1909, c. 5, s. 13; 1910 (2nd Session), c. 13.

7. The term "guardian" shall apply to any person appointed under the provisions of this Act to see to its enforcement;

8. The term "Minister" shall mean the Minister of Agriculture;

9. The period of close seasons shall include the first date but not the last mentioned;

10. The term "game dealer" shall mean any person, or persons, who buy and sell, deal or otherwise traffic in the flesh of any big game or game bird; 1910 (2nd Session), c. 13.

11. The term "market hunter" shall mean any person who hunts or shoots game for gain or profit. 1910 (2nd Session), c. 13.

PROHIBITIONS.

3. No person shall hunt, trap, take, shoot at, wound or kill ^{Hunting} any animal or bird mentioned in this Act on the first day of the ^{on Sundays} prohibited week, commonly known as Sunday.

4. No person shall hunt, trap, take, shoot at, wound or kill: ^{Big game} ^{protected}

1. Any bison or buffalo at any time;

2. Any mountain sheep or goat between the fifteenth day of October of one year and the first day of September of the following year and in any event not more than two sheep and two goats; 1909, c. 5, s. 13.

3. Any elk, or wapiti at any time; 1910 (2nd Session), c. 13; 1911-12, c. 4, s. 25; 1915, c. 2, s. 17.

4. Any prong horn antelope before the first day of October, 1917; 1913 (2nd Session), c. 25.

5. Any of the deer family, whether known as caribou, moose, deer, or otherwise, between the fifteenth day of December and the first day of November in the following year, and in any event not more than one animal of any one species of such family; 1909, c. 5, s. 13.

6. Any female deer, female moose, female mountain sheep or female antelope, or the young (under the age of one year), of any of the animals mentioned in this section. 1910 (2nd Session), c. 13.

Game birds
protected

5. No person shall hunt, trap, take, shoot at, wound or kill:

1. Any bird of those species of the family *Anatidae*, commonly known as ducks and swans, between the first day of January and the first day of September: 1913 (2nd Session), c. 25.

Provided always that any person may at any time take and kill in that portion of the province lying to the north of township 50, any *Oidemia deglandi*, commonly known as white-winged Scoter;

2. Any bird of the family *Gruidae*, commonly known as cranes, between the first day of January and the first day of September;

3. Any bird of the family *Rallidae*, or rails and coots, between the first day of January and the first day of September;

4. Any bird of the family *Limicolae*, or shore birds, including snipe, sandpiper, plover and curlew, between the first day of January and the first day of September;

5. Any bird of the family *Gallinae*, commonly known as grouse, partridge, pheasant, ptarmigan and prairie chicken, between the 1st day of December and the 1st day of October in the following year; provided that no English pheasant shall be taken or killed at any time, nor shall more than 10 birds of the family *Gallinae* be killed by any one person in any one day, nor more than 100 by any one person in one season, and no person, other than a game guardian in respect of game forfeited under the provisions of this Act, shall at any time buy, sell, barter or exchange any bird in this subclause mentioned; 1910 (2nd Session), c. 13; 1913 (2nd Session), c. 25.

6. Any Hungarian partridge between the first day of December and the first day of October in the following year; not more than five of the birds mentioned in this subsection to be killed by any one person in any one day, nor more than 25 by any one person in any season and no person other than a game guardian in respect of game forfeited under the provisions of this Act shall at any time buy, sell, barter or exchange any bird mentioned in this subsection; 1909, c. 5, s. 13; 1913 (2nd Session), c. 25.

7. Provided that no person shall buy, sell or traffic in, or place in cold storage the flesh of any bird mentioned in subsection 1, 2, 3 and 4 hereof between the first day of March in any year and the 20th of September following; 1910 (2nd Session), c. 13; 1911-12, c. 4, s. 25.

8. Any Hungarian pheasant before the first day of October, 1920. 1913 (2nd Session), c. 25.

6. No person shall hunt, trap, take, shoot at, wound or kill: ^{Fur-bearing animals protected}

1. Any mink, fisher, or marten between the first day of April and the first day of November; nor hunt, trap or take alive any fox for export from the province; 1913 (2nd Session), c. 25; 1915, c. 2, s. 17.

2. Any otter between the first day of May and the first day of November;

3. Any muskrat between the first day of May and the first day of November;

4. Any beaver at any time before the thirty-first day of December, 1920; 1910 (2nd Session), c. 13; 1915, c. 2, s. 17.

Provided that the Lieutenant Governor in Council may suspend the operation of subclause 4 hereof with relation to the close season for beaver during such period, within such territory and upon such conditions as may be deemed advisable. 1909, c. 4, s. 17.

(2) No person shall at any time destroy, partially destroy, or leave open, the house of any muskrat or beaver. 1911-12, c. 4, s. 25.

(3) No person shall at any time interfere with or destroy any beaver dam; provided, however, that the Lieutenant Governor in Council may authorize the destruction of any beaver dam or house, or may authorize the taking or killing of any fur-bearing animal and the disposition of the same where such taking or killing or disposition is deemed to be in the public interest. 1911-12, c. 4, s. 25.

(4) No person shall at any time use or set poison for the killing of fur-bearing animals. 1911-12, c. 4, s. 25.

6a. The Lieutenant Governor in Council may, from time to time, make such further or additional regulations as may be deemed necessary for regulating the buying, selling and exporting of big game, game birds, and fur-bearing animals reared on game or fur farms. 1913 (2nd Session), c. 25.

7. No person shall at any time hunt, trap, take, shoot at, wound or kill any bird or other animal mentioned in this Act, if it be upon or over any land enclosed by a fence of any kind or any land under cultivation or covered by buildings, nor shall he allow his dog or dogs used for hunting to enter up on such lands without having obtained the consent of the owner or occupant thereof. ^{Hunting over enclosed lands prohibited}

7a. Any person found within an enclosure of any kind, contrary to any warning notice, surrounding a game or fur farm shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than \$50 nor more than \$200 and costs. 1913 (2nd Session), c. 25.

8. No person shall hunt, trap, take, shoot at, wound or kill any big game or game bird between one hour after sunset and one hour before sunrise. ^{Hunting at night prohibited}

9. No person shall at any time use or set for the destruction or capture of game: ^{Modes of capture prohibited}

1. Any poison, opium or other narcotic;

2. Any sunken punts, nightlights, traps, nets or snares of any kind, swivel, spring, automatic or machine shot guns, or any contrivance for the purpose of deadening the sound or report of any fire arm and any person finding such contrivance set or in use may destroy them without incurring any liability therefor. 1913 (2nd Session), c. 25.

Export of
game
prohibited
except by
permit

10. No person or corporation or any railway company, express company or other common carrier, except as herein provided, shall at any time or in any manner export or cause to be exported or carried, or to have in possession for the purpose of exporting or carrying out of the limits of this province, any of the animals or birds or parts thereof mentioned in this Act, except in pursuance and by virtue of a permit from the Minister of Agriculture. 1915, c. 2, s. 17.

(2) The Lieutenant Governor in Council may specify the fees to be paid for permits issued under this section. 1915, c. 2, s. 17.

Regulating
the sale of
game heads

11. No person other than a game guardian in respect to game forfeited under the provisions of section 34 except as herein provided for shall sell or expose for sale, barter or trade, nor shall any person buy or obtain from any other person by barter or trade or in any other manner the head or heads of any big game.

(2) Any person who wishes to sell any game heads shall make application to the Minister of Agriculture by forwarding an affidavit stating that said heads were lawfully acquired by him accompanied by the necessary fees, when said head or heads will be stamped or branded with the stamp or brand of the Department of Agriculture, and all heads so stamped or branded may be bought or sold by any person at any time. The fees to be collected for stamping or branding said heads shall be as follows:

The head of mountain sheep.....	\$5.00
The head of mountain goat.....	2.00
The head of elk.....	5.00
The head of Moose.....	5.00
The head of caribou.....	5.00
The head of deer.....	2.00
The head of antelope.....	2.00

Exportation
of low grade
furs

12. No person, except as herein provided for, shall ship out of the province a skin or pelt of any fur-bearing animal which is unprime.

Eggs
protected

13. No person shall, except as herein provided for, at any time wilfully disturb, destroy or take the eggs of any game or other birds protected by this Act.

Sporting
dogs to be
kept
confined

14. No dog or dogs shall be used by any person or persons to hunt big game and no owner of a dog accustomed to pursue big game shall allow such dog to run at large in any locality where big game are usually found, and any dog found running big game at any time may be killed by any person without incurring any liability therefor.

Resident's
license

15. No person shall hunt, trap, take, shoot at, wound or kill any big game protected by this Act without having in his possession a license duly issued to him so to do, which shall be known as a resident's big game license. 1910 (2nd Session), c. 13.

Game
dealers

16. No person or persons shall buy and sell, deal or traffic in the flesh of any big game or game bird, without having first obtained a license in that behalf. Every such license shall be issued by the Minister and shall be in force for the calendar year in which same is issued and shall be subject to the provisions of the game laws in force in the province at the time said license is granted; the fee therefor shall not exceed the sum of ten dollars

for a game dealer's license or five dollars for a market hunter's license. 1910 (2nd Session), c. 13.

(2) Every such person or persons shall on or before the thirty-first day of December in every year return said license to the Department of Agriculture with a statement showing the number of animals and birds bought and sold and from whom procured under the said license and such statement shall be sworn to by such person or persons or their authorized agent.

17. No person not a resident of and domiciled in the province shall be entitled to hunt, trap, take, shoot at, wound or kill any big game or game bird, or fur-bearing animal whether protected by this Act or not without first obtaining a license in that behalf; every such license shall be signed by the Minister and shall be in force for the calendar year in which the same is issued and shall be subject to the provisions of the game laws in force in the province at the time the said license is granted; the fee to be paid therefor shall be \$25 for a general license and \$5 for a bird license, or \$25 for a license to trap fur-bearing animals. Such license shall not be valid unless the signature of the person to whom it is issued is endorsed thereon. 1910 (2nd Session), c. 13; 1913 (2nd Session), c. 25. License for
non resident

(2) A holder of a general license shall be entitled to take with him out of the province as trophies the head, skin and hoofs of any big game that have been legally killed by him.

(3) Any resident knowingly accompanying or aiding a non-resident to hunt or shoot without the necessary license shall be held equally to have violated the law and shall be subject to like penalties. 1910 (2nd Session), c. 13.

18. No person shall hunt, trap, take, shoot at, wound or kill any game bird without having in his possession a license duly issued to him so to do, which shall be known as a resident's bird game license:

Provided, however, that the provisions of this section shall not apply to any farmer or member of his family residing with him upon his farm, nor to those residents of the province residing to the north of the 55th parallel. 1910 (2nd Session), c. 13; 1913 (2nd Session), c. 25.

19. Residents' licenses may be issued by the Minister or some one authorized by him to issue same upon application therefor and the payment of a fee of two dollars and fifty cents for each big game license, or two dollars and twenty-five cents for each bird game license: 1910 (2nd Session), c. 13; 1913 (2nd Session), c. 2, s. 27. Residents'
licenses

Provided, however, that a big game license shall be issued to farmers or sons of farmers residing on their land on payment of one dollar. 1910 (2nd Session), c. 13.

(2) Each resident to whom a big game license shall have been issued in any year shall, immediately after the close of the open season for the killing or taking of the animals mentioned in section 4 of this Act return the license issued to him to the Department of Agriculture accompanied by an affidavit sworn before a justice of the peace, or a commissioner for taking affidavits, or a game guardian, showing the number of animals killed or taken by him during the period mentioned in such license.

(3) The Minister may require the purchaser of each and every game license to wear a button provided by the department, displayed in a conspicuous place on his coat whenever hunting under said license. 1913 (2nd Session), c. 2, s. 27.

(4) and (5). *Repealed*—1909, c. 5, s. 13.

19a. Every person when requested so to do by a guardian shall, produce and show to such guardian his license or permit. 1909, c. 5, s. 13.

19b. The Minister may make regulations regarding the issuing of licenses and permits, and for the remuneration of the persons issuing the same. 1909, c. 5, s. 13.

Refund to
treaty
Indians

19c. The Lieutenant Governor in Council may authorize the refund to any treaty Indian of the amount paid by him for any license under the provisions of this Act upon a certificate being furnished by any Indian agent under his hand that such person is a treaty Indian on the reserve under his control. 1911-12, c. 4, s. 25.

Rocky
Mountain
and Island
Park
preserves

20. The Dominion Government having set aside sections 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36 in township 54, range 20, and sections 18, 19, 30 and 31 in township 54, range 19, all west of the fourth meridian and known as the "Elk Island Park" preserve and that portion of the Rocky Mountains Park of Canada lying within the boundaries of the Province of Alberta, and all other reservations for park purposes that are set aside from time to time by the Dominion or Provincial Governments, the same are hereby declared game preserves and it shall be unlawful for any person or persons to take, shoot at, wound or kill at any time any game in or on any portion of the said preserves, and any person other than a game guardian found on the said preserves carrying fire arms shall be presumed to be carrying the same for the purpose of shooting game or other animals in the said preserves, and shall be guilty of an offence and liable on summary conviction before a justice of the peace to a fine of not less than \$50 and not more than \$200 with costs, such fine to be paid into the general revenue fund of the province: 1910 (2nd Session), c. 13.

Provided however that such presumption may be rebutted by proof of a contrary intention on the part of the accused.

(2) Any person who injures, damages or destroys the fence enclosing the said Elk Island Park preserve, or any person other than a game guardian found within the fence around said park and carrying a gun or other fire arm shall be guilty of an offence and punishable as provided for in this section.

Birds
protected

21. No person except as herein provided for shall fire at, hunt, take or kill any bird whatsoever except wild geese, crows, eagles, goshawks, pigeon hawks, duck hawks, Cooper's hawks, hawkowls, blackbirds, grackles, English sparrows, loons, cormorants, pelicans and magpies.

PERMISSION.

Permits for
export of
skins
unprime

22. The Minister may grant permits for the export of unprime skins or pelts of fur-bearing animals subject to such regulations as he may decide upon from time to time.

23. The Minister may issue permits for the export of game ^{Permit for export of game} to any person who may make application for same, who at the same time must furnish an affidavit to the effect that such game was lawfully killed or acquired by him. The fee for such permit shall be five dollars for each head of big game and one dollar per dozen for game birds, but no permit shall be issued for less sum than one dollar:

Provided, however, that a permit may be issued to any person for the export of mounted or branded heads, the fee for which shall be \$1 per head. 1909, c. 5, s. 13.

24. Any taxidermist may have in his possession at any time ^{Possession by taxidermist} the head or other parts of any animal mentioned in this Act for the purpose of preserving, mounting or stuffing the same if accompanied by an affidavit of the owner thereof stating that such animal was lawfully killed or acquired by him in the province or elsewhere.

(2) Any game guardian who has reason to believe that any person or persons have any game in his or their possession contrary to the provisions of this section shall have power to enter upon the premises of such persons and make search in every part thereof for such game.

25. The Lieutenant Governor in Council may when satisfactory ^{Close season for imported game birds} reason is shown permit the introduction of foreign game birds and may declare a close season for them during the then current year or may on receipt of a petition from six game guardians extend the close season for any class of game over the current year within limits.

26. No person who has not procured a license for that purpose ^{Guides and camp helpers} shall act as guide or camp helper to any person or persons for the purpose of hunting, trapping or shooting in the Province of Alberta.

(2) Any person who acts as guide or camp helper to any person or persons who have not procured the necessary licenses as required under this Act shall forfeit his license in addition to any other penalty which may be imposed. This section shall not apply to any person while helping any resident to hunt game birds.

(3) The Minister may (subject to such rules and regulations as he may deem necessary from time to time) issue to any resident of the province who is qualified to act as guide or camp helper a license the cost of which shall not exceed the sum of five dollars.

27. The Minister may grant upon application a permit to any ^{Permit to take for scientific purposes} person to secure or export for propagation for public parks or zoological gardens or for scientific purposes:

1. One pair of any or each species of big game or fur-bearing animal; 1909, c. 5, s. 13.

2. One pair of any or each species of game or other bird protected by this Act;

3. One nest of eggs of any or each species of game or other bird protected by this Act:

Provided that a fee of \$5 accompany the said application which shall state definitely the species required and the special purpose for which wanted and shall be verified by affidavit;

4. The permit shall be returned at the end of the calendar year with a detailed statement of the species secured;

5. The Lieutenant Governor in Council may grant on application a permit for a greater number of animals or birds than is allowed under this section.

Application
of Act north
of fifty-fifth
parallel

28. Any person residing in or travelling through that portion of the province lying to the north of the fifty-fifth parallel of latitude shall be entitled to take and kill at any time (in that portion of the province lying to the north of the said fifty-fifth parallel of latitude) all game birds protected under section 21 hereof and sufficient big game for the use of himself and family, excepting always elk, buffalo and beaver. Provided that any head of a family actually resident in said portion of the province shall be allowed to take and have in his possession, for the use of himself and family, one head of big game, excepting elk, buffalo and beaver, in each calendar year, without taking out a resident's big game license. 1915, c. 2, s. 17.

Penalties

29. Any violation of any of the provisions of this Act, except as herein provided, shall be an offence punishable on a summary conviction before a justice of the peace as respects killing or taking of buffalo with a fine of not less than \$200 and not more than \$500, and as respects any other violation of this Act with a fine not less than \$10 nor more than \$50 with costs. 1910 (2nd Session), c. 13.

Limitation
of prosecutions

30. No prosecution for violation of any of the provisions of this Act shall be commenced after twelve months from date of such violation.

Respecting
persons
engaged in
the fur
trade

31. Every company, firm or person engaged in the fur trade who buys, sells or trades any fur or skins taken from any of the animals protected by this Act shall make a return within the first fifteen days of June in each year to the Minister of Agriculture specifying the number of each variety of pelts or skins so bought, sold or bartered for in the province.

GAME GUARDIAN'S POWERS, ETC.

Appoint-
ment of
game guar-
dians

32. The Lieutenant Governor in Council may appoint a chief game guardian and fix his remuneration.

(2) The Minister may appoint guardians to enforce the provisions of this Act who for that purpose shall have the power of constables.

R.N.W.M.P.
ex-officio
game
guardians

33. All members of the Royal North-West Mounted Police shall be *ex officio* game guardians under the provisions of this Act.

Seizure and
confiscation
of game

34. Any guardian who has reasonable grounds to believe that an offence has been committed under this Act may seize any game, fur-bearing animal or pelt thereof in respect of which he believes such offence has been committed and take the same before a justice of the peace, who shall notify the person in whose custody the game was found to appear before him at a certain time and establish the rightfulness of his possession of such game, and in the event of his failure to do so, the justice may declare such

game forfeited, and it shall thereupon, except as hereinafter provided, be the property of such guardian: 1910 (2nd Session), c. 13; 1915, c. 2, s. 17.

Provided always that if in the opinion of the justice such game is unperishable and exceeds in value the sum of twenty-five dollars, it shall be forfeited to His Majesty to be sold or otherwise disposed of as the Minister may direct; and the proceeds of any such sale shall be forthwith transmitted to the Provincial Treasurer to form part of the general revenue fund.

35. All guardians shall be empowered to act as commissioners for taking affidavits where necessary so to do in connection with the issuing of licenses, permits and affidavits required under this Act. Power of guardians

36. Guardians shall also be empowered to enter upon or pass over any lands when in the discharge of their duty, whether enclosed by a fence or otherwise, providing always that said guardian shall be liable for any damage which he may cause in so doing; and such guardian may without warrant arrest any person found committing any offence against the provisions of this Act. 1910 (2nd Session), c. 13. Power to enter upon and pass over lands

36a. Any game guardian may upon exhibition of his badge, if he has sufficient ground to believe there is any game killed contrary to the provisions of this Act concealed therein, search, without obtaining a warrant, any vehicle, boat or tent and may, upon obtaining a search warrant, search any building where he believes any game, in connection with which an offence is believed to have been committed, is concealed. 1913 (2nd Session), c. 25.

APPLICATION OF ORDINANCE.

37. Chapter 29 of the Ordinances of 1903 (2nd Session), as amended by chapter 12 of the Ordinances of 1904 and the Act amending chapter 29 of 1903 (2nd Session), as passed at the First Session of the Legislative Assembly of the Province of Alberta, also chapter 11 of 1902, are hereby repealed. 1913 (2nd Session), c. 25; 1915, c. 2, s. 17. Repeal

ORDER IN COUNCIL.

REGULATIONS FRAMED UNDER ORDER IN COUNCIL 290-14 AS PROVIDED FOR BY SECTION 6A OF THE GAME ACT ADOPTED ON THE 9TH DAY OF MARCH, 1914.

1. Any and every person, firm or company establishing or operating a game or fur farm for the rearing of any fur-bearing animal must obtain a permit to sell or export any such animals subject to the provisions of *The Game Act* and these Regulations, and such person, firm or company or Manager of any game or fur farm, shall on the first days of January and July in each and every year forward to the Department of Agriculture a statement showing the number of animals in his, their or its possession, or on the said farm, their age, species, sex and from whom procured, and the number of animals which have died during the previous six months, and the cause of death, such statement to be in the following form:

SITUATED ON SECTION.....Twp.....Range.....West.....									
OTHER FUR-BEARING ANIMALS									
SPECIES	Over one year		Under one year		Total	Died since last report		Died since last report	
	Male	Female	Male	Female		Total	Male	Female	Male	Female
SPECIES									
Red									
Cross									
SILVER OR BLACK									
Cause of death, if any.....									
How many sold since last report.....									
How many exported since last report.....									
Date..... Manager.									

2. Any person applying for a permit to export fur bearing animals reared on game or fur farms must pay the following fees: for black, silver or rusty silver foxes \$15.00 each, and all other species of foxes \$5.00 each; muskrats \$1.00 per dozen or fraction of a dozen; mink, fisher and marten \$1.00 each; otter and beaver \$5.00 each. In the case of muskrat, mink, fisher, marten and beaver the above fees to apply whether reared on fur farms or otherwise. Order in Council 83/15.

3. In the case of permits to take for scientific or other purposes obtained pursuant to the provisions of section 27 of *The Game Act*, the animals may be sold or exported only in accordance with the understanding under which said permit was obtained, provided, however, in the case of special circumstances the Minister of Agriculture may modify such conditions.

4. The capture, purchase, sale or export of any animal contrary to the provisions of *The Game Act* or of these Regulations is prohibited, and any animal captured, sold or purchased contrary to the provisions of *The Game Act* or of these Regulations shall be forfeited to the Crown in the same manner and under the same procedure as is provided for in the case of game under the provisions of section 34 of *The Game Act*, and the offender shall be liable to the punishment provided in the said Act.

ORDER IN COUNCIL NO. 1226, 1914.

The fees for permits to export black, silver and rusty silver foxes NOT reared on fur farms.....\$25.00 each.
On all other species.....\$10.00 each.

NOTE.—These fees took effect Monday, November 23, 1914.

1907

CHAPTER 15.

An Act respecting Noxious Weeds.

(Assented to March 15, 1907.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

- | | |
|----------------|---|
| Short title | 1. This Act may be cited as " <i>The Noxious Weeds Act</i> ." |
| Interpretation | 2. In this Act unless the context otherwise requires—
1. The expression "noxious weeds" shall include—
Tumbling mustard (<i>Sisymbrium Altissimum</i>),
Hare's ear mustard (<i>Conringia orientalis</i>),
Common wild mustard (<i>Brassica sinapistrum</i>),
Ball mustard (<i>Neslia paniculata</i>),
Tansy mustard (<i>Sisymbrium incisum</i>),
Wormseed mustard (<i>Erysimum cheiranthoides</i>), 1908, c. 20, s. 24.
False flax (<i>Camelina sativa</i>), 1908, c. 20, s. 24.
Shepherd's purse (<i>Capsella bursa-pastoris</i>),
Reed root (<i>Amarantus Retroflexus</i>),
Canada thistle (<i>Cnicus arvensis</i>),
Stink weed (<i>Thlaspi arvense</i>),
Russian thistle (<i>Salsola kali v Tragus</i>),
Ragweed (<i>Ambrosia trifida</i>),
Wild Oats (<i>Avena fatua</i> and <i>A. Strigosa</i>),
Russian pigweed (<i>Axyris Amarantoides</i>),
Blue Bur (<i>Echinosperrum Lappula</i>), 1908, c. 20, s. 24.
Tumble weed (<i>Amarantus albus</i>),
Purple cockle, and Perennial sow thistle, <i>sonchus arvensis</i> , L.,
Blue lettuce, <i>Lactuca pulchella</i> , D.C., and Cockle bur, <i>Xanthium strumarium</i> , L. 1908, c. 20, s. 24.
2. The expression "department" means the Department of Agriculture;
3. The expression "Minister" means the Minister of Agriculture;
4. The expression "inspector" means any inspector appointed under this Act;
5. The expression "occupant" means a person occupying or having the right to occupy any land;
6. The expression "owner" includes every person who has any estate or interest in land or grain, or who has any right to be vested with such an estate or interest; and for the purpose of this Act the council of any city, town, village or rural municipality shall be deemed to be the owner of all lands within the boundaries of such city, town or village or rural municipality respectively; 1910 (2nd Session), c. 14; 1911-12, c. 4, s. 26; 1913 (2nd Session), c. 2, s. 16.
7. The expression "earth work" means any dump or heap of earth, or place from which earth has been removed; |

8. The expression "thresher" means any person in possession or charge of a threshing machine.

INSPECTORS AND OTHER OFFICERS.

3. The Minister may from time to time appoint such inspectors and other officers as may be required to carry out the provisions of this Act, fix their remuneration and define their duties.

Appoint-
ment of
inspectors
and other
officers

DUTY OF OWNER OR OCCUPANT OF LAND.

4. Every owner or occupant shall destroy all noxious weeds on the lands he owns, occupies, or has the right to occupy, and on the area between the boundaries of the said lands, and the centre line of all contiguous roads and road allowances, and if he makes default in so doing he shall be liable on summary conviction before a justice of the peace to a penalty of not less than \$5.00 and not exceeding \$50.00 and costs. 1910 (2nd Session), c. 14; 1913 (1st Session), c. 9, s. 17; 1914, c. 2, s. 14.

Noxious
weeds to be
destroyed

Weeds on
public roads

(2) White clover, timothy, or western rye grass, or a mixture thereof, shall be sown and cultivated by railway and irrigation companies on all earthworks made by them. 1908, c. 20, s. 4; 1910 (2nd Session), c. 4, ; 1911-12, c. 4, s. 26; 1914, c. 2, s. 14.

Weeds on
railway
and irriga-
tion works

DESTRUCTION OF WEEDS.

5. Any inspector shall have the right to enter upon any land to inspect it for noxious weeds and any one obstructing him in the discharge of his duty shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$25 and costs, and any inspector finding noxious weeds growing in any grain or hay crop may notify the owner—

Right of
entry to
inspect

- (a) To pull by hand or cut and burn or plow under such crop or any part thereof within a stated time; or
- (b) To burn the straw or screenings or both from any crop or part thereof within five days after it is threshed. 1908, c. 20, s. 24; 1910 (2nd Session), c. 14; 1913 (2nd Session), c. 2, s. 16.

Weeds on
cropped land

6. Any inspector finding noxious weeds growing on occupied lands shall notify the occupant thereof to destroy such weeds within five days from the date of such notification.

Notice to
destroy
weeds

7. Any inspector finding noxious weeds growing on unoccupied lands shall notify the owner either personally or by registered letter addressed to his last known address, if any, to destroy such weeds within five days of such notice. 1910 (2nd Session), c. 14.

Notice to
destroy
weeds

8. Any inspector finding noxious weeds growing on any railway fire guard, right-of-way, or any other earthwork, or any unoccupied lands owned by or forming part of the land grant to any railway company shall notify the roadmaster or foreman of that section, or the nearest station agent, either personally or by registered letter to destroy such weeds within five days from the date of such notice. 1910 (2nd Session), c. 14.

Railway
lands

9. Any inspector finding noxious weeds growing in or upon any ditch, or other earthwork, or right-of-way of any irrigation company shall notify the manager, superintendent or ditch rider

Lands of
irrigation
company

of such company, or the owner or controller of any ditch or lateral ditch, either personally or by registered letter to destroy such weeds within five days from the date of such notice. 1908, c. 20, s. 24; 1910 (2nd Session), c. 14.

Penalty for neglecting to destroy weeds

10. Any person to whom notice has been duly given under any of the preceding sections who neglects to carry out the directions contained therein shall be guilty of an offence and on summary conviction thereof shall be liable to a penalty of not less than five and not exceeding fifty dollars and costs.

Procedure where notice disregarded or cannot be given

11. In case noxious weeds are not cut down or otherwise destroyed on any land pursuant to any notice given by an inspector under this Act or in case the name or address of the owner of such land is unknown, the said inspector or any person or persons directed by him may forthwith enter upon the land with the necessary teams and implements and destroy such weeds in such manner as the inspector may see fit. 1908, c. 20, s. 24.

Recovery of costs of destruction

12. The amounts expended in the work performed under the next preceding section may be recovered from the owner or occupant of the land by action in the name of the Attorney General or the inspector or by distress by the inspector or his agents of any chattels on the land.

(2) Any such amount which has not been recovered from the owner or occupant before the first day of January next following its expenditure shall be added to and form part of the local improvement or municipal assessment of such lands as if it were an original tax and it shall have the same effect on the land and may be recovered by any of the methods available for the recovery of such taxes and the amount so recovered shall be transmitted to the Provincial Treasurer and form part of the general revenue fund of the Province of Alberta. 1910 (2nd Session), c. 14; 1913 (1st Session), c. 9, s. 17.

(3) Upon the secretary of a local improvement district or rural municipality receiving notice from the Department of Municipal Affairs of any amount to be charged under the next preceding subsection against any parcel of land in his district he shall enter the said amount against the said land and, until it is paid, enter it in all returns to be made by him in the same manner as local improvement or municipal assessments. 1910 (2nd Session), c. 14; 1913 (1st Session), c. 9, s. 17.

(4) A certificate purporting to be issued by the Department of Municipal Affairs, to the effect that the amount named therein has been expended during any year for the destruction of noxious weeds upon any area of land described shall be *prima facie* evidence that the amount named has been so expended. 1910 (2nd Session), c. 14; 1913 (1st Session), c. 9, s. 17.

SALE OR DISPOSAL OF GRAIN, ETC., CONTAINING WEED SEEDS.

Sale, etc., of seed containing weed seeds

13. No person shall sell or dispose of, or offer for sale or disposal, or have in his possession for sale, any grain, grass, clover or other seeds intended for the purpose of seed, in which there is more than one seed of any noxious weed or weeds per ounce of such seed. No person shall sell or otherwise dispose of or offer for sale, or other disposal, any grain intended for the purpose of feed, in which there are more than ten noxious weeds to every ounce of such grain. 1911-12, c. 4, s. 26.

14. No person shall purchase or sell, barter or otherwise dispose of or remove from any premises, any bran, shorts, chopped or crushed grain or cleanings containing seeds of noxious weeds, unless the germinating qualities of such seeds have been destroyed; and no person may at the time of marketing or warehousing his grain remove from any elevator or mill the screenings screened from such grain so marketed or warehoused, and such screenings must be burned by the proprietor of the elevator or mill: 1911-12, c. 4, s. 26.

Sale,
purchase,
etc., of
cleanings
containing
weed seeds

Provided that matter containing seeds of noxious weeds may be removed in closely woven and securely tied sacks from any grain elevator or warehouse to be burned or fed to sheep if such sheep are fed and kept within enclosures which are the property of the feeders; and

Provided also that such enclosures shall be subject to inspection by weed inspectors and that lists of the parties to whom screenings are sold shall be furnished monthly to the Minister of Agriculture by the managers of the elevators or warehouses.

15. No person shall place outside any mill, elevator or grain warehouse, except in a securely constructed building, shed or covered bin, any matter containing the seeds of noxious weeds without first having destroyed the germinating powers of such seeds.

Mills,
elevators,
etc.

THRESHING MACHINES TO BE CLEANED BEFORE REMOVAL.

16. Every thresher shall thoroughly clean his machine, both inside and out, and all his wagon racks, immediately after threshing at each setting and before removing the machine or any part thereof to another setting. 1911-12, c. 4, s. 26.

Threshing
machines

17. Every thresher shall clean the grain threshed by him, and when it is delivered to the owner it shall contain not more than 100 seeds of noxious weeds other than wild oats, in one thousand of grain, and all screenings containing seeds of noxious weeds shall be destroyed by the owner within five days after it is threshed or removed in closely woven and securely tied sacks.

18. Every thresher shall display in a prominent place upon his machine a card containing this and the two preceding clauses, which card shall be furnished free upon application to the department.

PENALTIES.

19. Every inspector or other officer who neglects to perform any duty placed upon him by this Act shall in respect of each instance of neglect be guilty of an offence, and liable on summary conviction thereof to a penalty not exceeding \$25 and costs.

Neglect of
duty by
inspector

20. Violation of any provision of this Act for which no penalty is provided shall be an offence and the offender shall on summary conviction thereof be liable to a penalty of not less than five and not exceeding \$50 and costs. 1910 (2nd Session), c. 14.

Violation
of Act

21. Chapter 84 of The Consolidated Ordinances of the North-West Territories and all Ordinances amending the same or passed in substitution therefor are hereby repealed.

1907

CHAPTER 16.

An Act respecting the Manufacture of Butter and Cheese.

(Assented to March 15, 1907.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Dairymen's Act*."

INTERPRETATION.

2. In this Act unless the context otherwise requires—

Minister

1. The expression "Minister" means the Minister of Agriculture;

Association

2. The expression "association" means any association incorporated or continued under this Act;

Creamery

3. The expression "creamery" means any place to which is brought the milk or cream from the herds of five or more persons for the purpose of being manufactured into butter for public sale; 1910 (2nd Session), c. 15, s. 1.

Cheese
factory

4. The expression "cheese factory" means any place to which is brought the milk from the herds of five or more persons for the purpose of being manufactured into cheese for public sale; 1910 (2nd Session), c. 15, s. 1.

Patron

5. The expression "patron" means any person bringing or supplying cream or milk to any creamery or cheese factory. 1910 (2nd Session), c. 15, s. 1.

PART I.

ASSOCIATIONS FOR MANUFACTURE OF BUTTER AND CHEESE.

Mode of
incorporation

3. Any five or more persons who desire to associate themselves together for the purpose of manufacturing butter or cheese or both or providing cold storage for the safe keeping therein of the same, or for the purpose of fattening poultry, may make, sign and acknowledge before any person empowered to administer oaths or affidavits to be used in the Supreme Court of the province and file in the office of the Provincial Secretary a declaration in writing in form A in the schedule hereto or to the same effect and such declaration shall state the name of one of the persons signing the same as having been appointed provisional secretary of the association. 1908, c. 20, s. 25.

4. No association under this Act shall be incorporated under a name identical with that by which any other existing association has been registered or so nearly resembling such name as to be likely to deceive the public. Restriction as to name of company

5. Any declaration so to be filed shall designate any one or more places in the province where business is to be carried on. Place of business to be stated

6. Upon the filing of the declaration the members of the association shall become a body corporate by the name therein described with power to purchase, hold, sell, pledge or mortgage such lands as are required for the convenient management of their business, with full power to do all necessary acts and enter into all necessary contracts for the purpose of managing and conducting their said business but no such declaration shall be filed unless shares to the extent of \$1,500 have been subscribed of which not less than \$1,000 have been paid up by the persons signing such declaration and evidence of such subscription and payment shall be filed with such declaration. 1913 (1st Session), c. 9, s. 18. Corporate powers
At least \$1,500 to be subscribed

7. The Provincial Secretary shall endorse on a copy of the said declaration if sent or delivered to him for that purpose a certificate of the original having been filed in his office with the date of filing and every such copy of said declaration with such certificate signed by the Provincial Secretary shall be *prima facie* evidence of the facts stated therein and of the incorporation of the association. Certificate of filing, declaration

8. Within one month after the filing of such declaration as aforesaid a meeting of the members of the association shall be called by notice to be mailed or delivered to each member by the provisional secretary at least ten days before the day of meeting and at such meeting or at any adjournment thereof the members of the association shall agree upon and frame a set of rules for the regulation and management of the association which shall declare and provide among other things— Rules of association

1. The amount of the whole capital stock of the association if it is to be limited and the amount of each share;

2. The highest number of shares which may be allotted to any one person not to exceed one thousand dollars;

3. The mode and terms of payment of shares and the manner of making calls thereon and the mode and conditions of the transfer of the shares;

4. The conditions on which new members may be admitted;

5. A mode of convening general and special meetings;

6. Provision for audit of accounts;

7. Provision for the withdrawal of members;

8. The appointment of directors and other officers and their respective duties and a provision for filling vacancies caused by death, resignation or other causes and a copy of all such rules signed by the secretary shall forthwith be filed in the office of the Provincial Secretary with a statutory declaration by the secretary of the association that the same is a true copy of the rules adopted and such rules shall not take effect until filed as aforesaid, and they shall be framed and filed before the association shall carry on any operations.

Amendment
of rules

9. All rules made by any association formed under this part may be repealed, altered or amended or new rules may be made at a regular meeting called for that purpose:

Provided no new or amended rules shall be inconsistent with the provisions of this Act nor have any force or effect until a copy verified by statutory declaration of the president or other head officer or of the secretary of the association to be a true copy of such new or amended rules passed by the association at a meeting specially called as aforesaid has been filed in the office of the Provincial Secretary.

Books

10. The association shall cause a book or books to be kept by the secretary or by some other officer especially charged with that duty wherein shall be kept a duplicate of the said declaration mentioned in section 3 hereof and of all by-laws, rules and regulations made by the shareholders or by the board of directors and filed as aforesaid in the office of the Provincial Secretary and all members of the association shall sign the said declaration in the said book.

Members

11. Any person desiring to become a member of or a stockholder in any such association after incorporation as aforesaid may subject to the provisions of the said rules sign the said declaration in the said book and shall thereupon become such member and shall be entitled to the rights and privileges thereof and shall become liable as such member as fully as though he had signed the declaration prior to the incorporation of the association.

Rules to bind
members

12. The rules of every association incorporated under this Act shall bind the association and members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto. And all moneys payable by any member to the association in pursuance of the said rules shall be deemed to be a debt due from such member to the association.

Members'
debts to
association

Capital stock

13. The capital of the association shall be in shares of such denomination as mentioned in the rules.

Mode of
election

14. All elections at meetings of shareholders shall be by ballot and each member shall have one vote for each share of the stock held by him in respect of which he is not in default for any calls made thereon.

Disputes may
be decided by
arbitration

15. Any dispute between members or between members and any association, established under this Act, or any person claiming through or under a member or under the rules of such association, and the directors, treasurer or other officers thereof relating to matters coming within the business of the association may be decided by arbitration in manner directed by the rules of the association, and the decision so made shall be binding and conclusive on all parties without appeal.

Liability of
shareholders

16. The liability of the shareholders shall be limited; that is to say, no shareholder in such association shall be in any manner liable for or charged with the payment of any debt or demand due by the association beyond the amount unpaid in respect

of any share or shares held by him or her and any shareholder having fully paid up the amount of his said share or shares shall be absolved from all further liability.

17. Every association formed under this Act shall, not later Annual return than the thirty-first day of January in each year, make a return to the Provincial Secretary of its affairs during the year ending the thirty-first day of December preceding.

18. Any person who wilfully violates a contract to supply Violation of contract to supply milk or cream milk or cream to an association formed under this Act may on summary conviction thereof before a justice of the peace in addition to any civil remedy available against him be ordered to pay such association by way of a penalty a sum not exceeding \$25 together with costs of prosecution.

19. Any association formed under this Act shall have power Mortgage on real estate to execute a mortgage upon any real estate purchased or agreed to be purchased by it for the purpose of securing the payment of the whole or a portion of the purchase money of such real estate or for the purpose of raising money for the purposes of their business and to covenant for the repayment of the said mortgage money and interest or for the purpose of securing payment of any bonds issued or to be issued and generally to make such provisions binding on the association as are usually contained in mortgages.

20. The said mortgage may be executed in accordance with How executed the rules passed for the regulation and management of the association in that behalf and upon being so executed shall be a valid security of the said association.

21. Any such association shall have power to borrow money Borrowing powers for the purpose of its business and to issue bonds or debentures for the repayment of the same with interest and such bonds or debentures may be secured upon the real and personal estate of the association including called or uncalled capital and such bonds may be issued in accordance with the rules of the said association and shall be payable at such time or times as may be therein expressed and may be mortgaged, sold or hypothecated by the said association in accordance with any provisions in that behalf included in the said rules but such bonds shall not be issued until the same shall have been approved by the Lieutenant Governor in Council and a notice of the intended issue of the same in writing shall have been deposited in the office of the Provincial Secretary.

22. No association incorporated under the provisions of this Erection of buildings Act shall erect any building for the purpose of manufacturing butter or cheese until the site, plans and specifications of such building or buildings have been approved by the Minister.

23. The Lieutenant Governor in Council may appoint a dairy Dairy commissioner commissioner, fix his remuneration and define his duties.

24. The Minister out of the moneys appropriated for the Loans Legislature in that behalf may authorize the making of a loan

to any association incorporated under the provisions of this Act and determine the amounts and conditions upon which such loans may be made and repaid:

Provided however that no such loan shall exceed the sum of \$1,500.

Operation of
business of
association

25. The Minister may with the consent of any association incorporated under the provisions of this Act undertake and continue in whole or in part the management and operation of the business of any such association upon such conditions and for such period as the Lieutenant Governor in Council may deem expedient.

Old
associations

26. All associations incorporated under the provisions of chapter 65 of The Consolidated Ordinances, 1898, are hereby continued as butter and cheese manufacturing associations under and subject to the provisions of this Act.

Repeal

27. Chapter 65 of The Consolidated Ordinances of 1898 is hereby repealed.

PART II.

SANITATION AND OPERATION.

28. The buildings and premises of every creamery and cheese factory shall be kept in a sanitary condition satisfactory to any dairy inspector appointed under the provisions of this Act. 1910 (2nd Session), c. 15, s. 3.

29. All materials entering into the manufacture of butter and cheese shall be clean and wholesome and the methods employed in manufacturing shall be sanitary. 1910 (2nd Session), c. 15, s. 3.

30. The methods of handling and caring for milk, cream and the dairy utensils used by patrons, shall be clean and sanitary and satisfactory to any dairy inspector appointed under the provisions of this Act. 1910 (2nd Session), c. 15, s. 3.

31. Where the butter fat contents of milk supplied to a creamery or cheese factory is determined by the Babcock test, the measuring pipette shall have a marked capacity of 17.6 cubic centimeters. 1910 (2nd Session), c. 15, s. 3.

32. Where the butter fat contents of cream supplied to a creamery is determined by the Babcock test, the standard sample of cream taken for testing shall weigh 18 grammes. 1910 (2nd Session), c. 15, s. 3.

33. Where a composite test is made to determine, by the Babcock test, the percentage of butter fat contained in milk or cream supplied to creameries and cheese factories by any patron, a sample shall be taken from each weighing, and the proportion which such sample bears to the weight of the milk or cream from which it is taken shall be maintained in the taking of all other samples entering into such composite test.

(2) The samples of milk and cream collected for a composite test from each patron shall be kept in a cool place, in a separate, tightly stoppered glass bottle or jar plainly labeled with the patron's name.

(3) A record shall be kept of all tests, composite or otherwise, made to determine the butter fat contents of milk or cream, and any patron or any inspector appointed under this Act shall have the right to examine such record at all reasonable hours. 1910 (2nd Session), c. 15, s. 3.

34. The owner, operator, manager or other person in charge of a creamery or cheese factory shall keep a record of the amount of milk or cream received each day from each patron, and the disposition made thereof; also the weight of all butter and cheese manufactured daily.

(2) Any patron or any inspector appointed under this Act shall have the right to examine such records at all reasonable hours. 1910 (2nd Session), c. 15, s. 3.

35. The owner, operator, manager or other person in charge of any creamery shall make and deliver with every payment to each patron a statement showing among other details—

- (a) The period which each payment covers;
- (b) The quantity of milk or cream supplied by him during such period;
- (c) The butter fat contents in pounds of such milk or cream;
- (d) The quantity of butter manufactured therefrom;
- (e) The basis and rate of payment per pound of butter fat or of manufactured butter as the case may be. 1910 (2nd Session), c. 15, s. 3.

36. The owner, operator, manager or other person in charge of any cheese factory shall make and deliver with every payment to each patron, a statement showing among other details—

- (a) The period which such payment covers;
- (b) The quantity in pounds of milk supplied by him during such period;
- (c) If payment is based on the butter fat value of such milk then the butter fat contents in pounds must be shown;
- (d) The basis and rate of payment per pound of butter fat or per hundred pounds of milk as the case may be. 1910 (2nd Session), c. 15, s. 3.

37. The owner, operator, manager or other person in charge of any creamery or cheese factory shall make such statistical returns in such form and at such times as the Minister may require. 1910 (2nd Session), c. 15, s. 3.

38. The Minister may appoint and define the duties of dairy inspectors to enforce the provisions of this Act. 1910 (2nd Session), c. 15, s. 3.

39. Any dairy inspector appointed under the provisions of this Act shall at all reasonable hours have free access and admission

to all creameries and cheese factories and everything contained therein and on the premises and also to the buildings and premises used for dairy purposes by any patron. 1910 (2nd Session), c. 2, s. 25.

40. The owner, operator, manager or other person in charge of any creamery or cheese factory, who refuses admission or who offers any obstruction or fails to facilitate the work of inspection, who overreads or underreads the Babcock test or who violates any of the provisions of this Act, shall upon summary conviction thereof before any justice of the peace, be liable to a penalty of not less than \$10.00 and not more than \$100.00. (The procedure under this section shall be the same as provided for in chapter 13, section 8, of the Statutes of Alberta, 1906.) 1910 (2nd Session), c. 15, s. 3.

41. No justice of the peace having any pecuniary interest in a creamery or cheese factory as aforesaid shall hear or determine any complaint under this Act. 1910 (2nd Session), c. 15, s. 3.

42. On or before the first day of May, 1911, the owner, operator manager or other person in charge of every creamery and cheese factory shall register in the office of the Minister upon forms to be supplied by him the name, location and nature of the business of such creamery or cheese factory and such other information as to ownership and operation as the Minister may require.

(2) A record of all such registrations shall be kept by the Minister and shall be open to public inspection. 1910 (2nd Session), c. 2, s. 25.

43. On or after the first day of May, 1911, no owner, operator, manager or other person in charge not registered as provided in the next preceding section shall conduct, operate or carry on the business of any creamery or cheese factory without permission from the Minister so to do and such permission may be granted only upon the report of a dairy inspector.

(2) Refusal to grant such permission may be based upon lack of proper equipment or upon unsanitary conditions.

(3) An appeal from the decision of the Minister may be made to the Lieutenant Governor in Council. 1910 (2nd Session), c. 2, s. 25.

44. Upon the report of any dairy inspector that a creamery or cheese factory is not in a sanitary condition or that the methods of manufacture are unsanitary the Minister may order the owner, operator, manager or other person in charge thereof to close the same forthwith and it shall be kept closed until the dairy inspector reports that the sanitary condition and methods are satisfactory. 1910 (2nd Session), c. 2, s. 25.

SCHEDULE.

FORM A.

MEMORANDUM OF ASSOCIATION.

Province of Alberta, }.

To Wit: }

The corporate name of the Association shall be.....
and the objects for which the Association is to be
 formed are:

The capital stock of the association is to consist of shares of.....
 each, and the number of shares shall be limited only as provided by the
 rules of the association.

.....has been appointed provisional secretary of
 the association and his post office address is.....

The name of the place where the operations of the said association are
 to be carried on is.....

We, the several persons whose names and addresses are subscribed, hereby
 certify that we desire to form an association pursuant to the provisions of
 part I of *The Dairymen's Act* 1907 and we respectively agree to take the
 number of shares in the capital stock of the association as set opposite our
 respective names.

Dated this.....day of.....A.D. 19....

Name	Occupation	P.O. Address	No. of Shares Taken

On the.....day of.....A.D. 19.....
 before me appeared the persons signing the foregoing declaration and
 they severally before me signed the same and acknowledged that they signed
 it for the purposes therein mentioned.

A.B.

(Signature of Officer before whom declaration was made.)

1907

CHAPTER 17.

An Act to provide for the Establishment of Public Libraries.

(Assented to March 15, 1907.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

Short title

1. This Act may be cited as "*The Public Libraries Act.*"

ESTABLISHMENT OF PUBLIC LIBRARIES.

Interpretation

2. In this Act unless the context otherwise requires—
1. The expression "municipality" means—
 - (a) Any locality the inhabitants of which are incorporated a town;
 - (b) Any locality the inhabitants of which are incorporated a city under any Ordinance of the North-West Territories, or who have been or may be so incorporated by any Act of the province; 1909, c. 5, s. 7 (1).
 2. The expression "council" means the council, municipal council or other chief governing body as the case may be of any municipality;
 3. The expression "board" means the board of management of any public library established under the provisions hereof.

Establishment

3. A free public library may be established in any municipality in manner hereinafter provided.

Reading room
in connection

4. Where such library is so established there may without any proceedings for the purpose under this Act be connected with the library a free reading room.

Assent of
electors
necessary

5. Upon receipt of a petition praying for the establishment of a public library under this Act and signed by at least one-tenth of the resident electors of the municipality, the council may pass a by-law giving effect to such petition; but such by-law shall not be finally passed by the council until it receives the assent of the electors and for the purpose of obtaining such assent the by-law shall be submitted to the electors in the same manner and with the like proceedings as are required in the case of any other by-law which requires to receive the assent of the electors of such municipality:

Provided that the by-law shall not be deemed to have received the assent of the electors unless at least three-fifths of the qualified electors who actually vote thereon are found to have voted in favour of the by-law.

6. A by-law under this Act which has been assented to by the electors may be passed at the first or any subsequent meeting of the municipal council after such assent has been given. When by-law may be passed by council

7. After a by-law has been assented to it shall be the duty of the council for the time being to pass the same without unnecessary delay whether such council is or is not the same council which submitted the by-law to the electors. Council to pass by-law without delay

8. In case the vote of the electors is adverse to the by-law no new by-law for the same purpose shall afterwards be passed by the council to be submitted to the electors within the same municipal year. If defeated by electors by-law not to be resubmitted in same year

9. Whenever a public library is established under this Act the general management, regulation and control of the library shall be vested in and exercised by a board of management, which board shall be a body politic and corporate and shall be known as "The (name of town or city) Library Board." Board of management

(2) In municipalities where the population exceeds 15,000 the board shall be composed of seven members as follows: The mayor or other head official of the municipality shall be *ex officio* a member of the board during his term of office, and the council shall appoint from among the resident electors of the municipality the remaining six members of the board, three of whom shall hold office until the date of the first meeting of the council in January of the year following their appointment, and the other two(?) shall hold office until the date of the first meeting of the council in January of the second year following their appointment. Board in cities over 15,000

In other municipalities the board, besides the mayor, shall be composed of four members, appointed by the council from among the resident electors of the municipality, two of whom shall hold office until the date of the first meeting of the council in January of the year following their appointment, and the other two shall hold office until the date of the first meeting of the council in January of the second year following their appointment. 1909, c. 5, s. 7 (2). In other municipalities

(3) Except as herein provided every person appointed a member of the board shall hold office for two years.

10. Not more than one member of a council at a time in addition to the mayor or other head official shall be qualified to be a member of the board.

11. Notwithstanding anything to the contrary herein contained, every member of the board shall continue in office until his successor is appointed. Continuance in office

12. No resolution, by-law, proceeding or action of any kind of the board shall be invalid or set aside by reason of any person whose election has been annulled or declared illegal, having acted as a member of said board. Proceedings valid although election of member annulled

When office of
member of
board to
become
vacant

13. If any member of the board of any public library is convicted of any offence against the criminal laws of the Dominion of Canada or becomes insane or absents himself from the meetings of the board for three consecutive meetings without being authorized by resolution entered upon its minutes or ceases to be a resident within the municipality for which he is a member, such member shall *ipso facto* vacate his seat, and the remaining members shall declare his seat vacated forthwith and notify the council having authority to appoint such member accordingly.

Vacancies

14. In case of a vacancy by death or resignation or from any cause other than the expiration of the term for which a member of the board was appointed a successor shall be appointed by the council to fill such vacancy for the remainder of the term.

When appoint-
ments made

15. The annual appointment of the members of said board shall be made at the first meeting of the council in January in every year; and any vacancy arising from any cause shall be filled at the first meeting of the council after any such vacancy occurs.

First
appointments

16. Nothing in this Act contained shall deprive the council of the right to appoint the members of said board immediately after the passing of a by-law as herein provided establishing a library or at any other meeting of the council in case for any cause the appointments are not made as hereinbefore provided.

Chairman

17. The board shall elect one of their number as chairman, who shall hold office for one year and who shall preside at meetings of the board when present; in his absence a chairman may be chosen *pro tempore*; the chairman shall have the same right of voting as the other members of the board.

Regular
meetings

18. The board shall meet at least once every three months and at such other times as they may think fit.

Special
meeting

19. The chairman or any two members of the board may at any time summon a special meeting of the board for any purpose by giving such notice in writing or otherwise, and in such manner as shall have been previously fixed for such special meetings by resolution at a full meeting of the board.

Quorum

20. No business shall be transacted at any general or special meeting unless three members are present.

Records of
proceedings

21. All orders and proceedings of the board shall be entered in books to be kept by them for that purpose and shall be signed by the chairman for the time being.

Records as
evidence

22. The orders and proceedings so entered and purporting to be duly signed shall be deemed to be original orders and proceedings and such books may be produced and read as evidence of the orders and proceedings upon all judicial and other proceedings whatever.

Duty of board
to secure
necessary land
and buildings

23. The board shall from time to time procure, erect, rent or lease the necessary land and buildings for the purposes of

the library or of the library and reading room (as the case may be):

Provided that no such board shall in any year purchase any lands or erect any buildings or make any addition or alteration thereto exceeding in cost \$1,000 without the authority of the council. Limit as to expenditure on capital account

24. The board shall purchase such books, newspapers, reviews, magazines and maps for the use of the library and reading room, as may be deemed advisable, and it shall do all things necessary for keeping the same in a proper state of preservation and repair; the board shall also provide such fixtures, furnishings, fuel, lighting and supplies as may be requisite for the proper maintenance and accommodation of the library; and it shall have power to appoint and dismiss such officers, servants and employees as it may think fit. Duties of board

25. The board may make by-laws and regulations for the safety and use of the library and reading room and for the admission of the public thereto; and for regulating all other matters and things whatsoever connected with the management of the library and of the reading room, and with the management of all property of every kind under their control for the purpose of this Act; and the board may from time to time repeal, alter, vary or re-enact any such by-laws or regulations. By-laws of board

(2) No such by-law or regulation shall have any effect or be binding on any party concerned unless and until a copy thereof certified by the chairman of the board has been posted up in a conspicuous place in the library. Penalties

26. Any person who wilfully commits a breach of any by-law or regulation referred to in the next preceding section shall for each offence on summary conviction thereof before a justice of the peace or police magistrate forfeit and pay for library purposes to the municipality within which the offence was committed a sum not exceeding \$10 together with the costs of conviction as the said justice or police magistrate may think fit. Penalty

27. Nothing herein contained shall preclude the recovery of the value of articles or things damaged, not returned or destroyed as the amount of damages sustained from parties liable for the same. Losses and damages

28. The board shall in the month of May in every year make up or cause to be made up an estimate of the sums required during the ensuing financial year for the following— Annual estimates

- (a) The amount of principal and interest required for the annual payment of any outstanding debenture;
 - (b) The expense in detail of maintaining and managing the libraries and reading rooms under its control and for making the purchases required therefor;
- and such estimate shall be forthwith transmitted to the secretary-treasurer of the municipality.

29. The board of management shall keep distinct and regular accounts of their receipts, payments, credits and liabilities and the accounts shall be audited by the auditors of the municipality Accounts to be kept

in like manner and at the same time as other accounts of the municipality and shall immediately thereafter be laid before the council by the board of management.

SPECIAL RATE AND ASSESSMENT.

Special assess-
ment and levy
for libraries

30. For the purpose of providing for the expenses necessary for carrying this Act into effect the council in addition to all other rates and assessments levied and assessed for municipal purposes may levy and assess from year to year a special annual rate to furnish the amount estimated by the board to be required as aforesaid, but not exceeding one mill in the dollar upon the assessed value of all rateable real and personal property, such rate to be called "The Public Library Rate":

When not
necessary

Provided however that in case the annual sums required do not exceed five hundred dollars the same may be paid out of the general funds of the municipality without any special levy therefor.

DEBENTURES.

Debentures

31. The council may also subject as hereinafter provided on the requisition of the board, raise by a special issue of debentures of the municipality, to be termed "Public Library Debentures," such sums as may be required for the purpose of purchasing and erecting the necessary land, buildings and in the first instance for obtaining books and other things required. 1909, c. 4, s. 18.

Term of
debenture

(2) Every debenture issued as herein provided shall be made repayable in equal annual instalments of principal and interest and shall not run for a longer period than ten years except in the case of a debenture issued for the purpose of erecting, purchasing, adding to or improving a stone, concrete, brick or brick veneer building or buildings for library purposes in which case such debenture may run for a period not exceeding twenty years.

Levy for
interest and
principal of
debenture

32. During the currency of any debenture so issued the council shall withhold and retain as a first charge on the special annual rate heretofore mentioned such part thereof as shall be required to meet the annual payment of principal and interest due or falling due on such debenture.

APPLICATION OF AMOUNT LEVIED.

Receipt and
application of
amounts levied

33. All moneys levied or raised as aforesaid shall be received by the treasurer of the municipality in the same manner as other municipal funds and be paid out by him on the order of the board save as to the amount required to meet the interest and principal due or falling due on any debenture as aforesaid.

AID TO PUBLIC LIBRARIES.

Grant to
libraries

34. Subject to any regulation approved by the Lieutenant Governor in Council in that behalf there shall be paid to every public library established under this Act out of any moneys appropriated by the Legislature for that purpose a grant of one dollar for every dollar expended by the board on the purchase of books, out of the funds under its control, other than grants

Books

as herein provided, but so as not to exceed the sum of \$300 in any one year. 1910 (2nd Session), c. 2, s. 19; 1914, c. 2, s. 15.

(2) The sum of one dollar shall be allowed each public library ^{Newspapers, etc.} for every dollar expended on newspapers or magazines for the purpose of a reading room, but so as not to exceed \$50 for each reading room in any one year:

Provided always that any sum paid as a grant to any such library shall be expended on the purchase of books, magazines and newspapers within the six months following its receipt by the board.

35. When the board of any public library fails or neglects ^{Cause for dissolution} to open the library to the public for a period of two years the council may make an *ex parte* application to a judge of the Supreme Court for an order declaring the said library to be dissolved, and vesting in the municipality all the real and personal property of the board; and it shall then be lawful for the council through its proper officers to take possession of the said property and dispose of the same as may be deemed advisable.

36. The council upon the request of the board of any public library within its jurisdiction may appoint the janitor to be ^{Janitor may be appointed special constable} while holding such office a special constable; and such special constable shall have the special duty of preserving the peace in the rooms of the library and in the building in which the library is situated, and of preventing stealing, injuring or destroying the property of the library or any breach of the peace therein, and of apprehending offenders, and he shall have generally all the powers and privileges and be liable to all the duties and responsibilities which pertain to the office of a constable.

37. Any person who wilfully disturbs or disquiets any person ^{Penalty for disorderly behaviour} in a public library established and conducted under the authority of this Act by rude or indecent behaviour or by making a noise shall for each offence on summary conviction thereof before a police magistrate or justice of the peace forfeit and pay for library purposes to the municipality within which the offence was committed a sum not exceeding \$20 together with costs of conviction as the said police magistrate or justice may think fit.

38. For the purpose of carrying out the provisions of this Act in any municipality in which a public library is established ^{Municipal and special Acts to apply} the several provisions of *The Municipal Ordinance* or of any special Ordinance or Act creating and governing such municipality relating to any matter or proceeding herein contained shall subject to any modification or conditions herein contained be deemed to be part hereof.

39. All libraries and reading rooms established under this Act shall be open to the public free of all charges. ^{Libraries, etc., to be free}

40. The forms in the schedule hereto or any forms to the ^{Forms} like effect may be used for the purposes of this Act and the recitals in the said forms shall be deemed sufficient notwithstanding any provisions to the contrary in *The Municipal Ordinance* or in any special Ordinance or Act creating and governing any municipality.

SCHEDULE.

FORM A.

(Section 5.)

PETITION.

To the municipal council of.....
 We, the undersigned resident electors of the said city of.....
 (or as the case may be) respectfully pray that a public library may be estab-
 lished in this municipality under *The Public Libraries Act*.

FORM B.

(Section 5.)

BY-LAW FOR ESTABLISHING A PUBLIC LIBRARY WITH THE ASSENT OF THE ELECTORS.

A by-law to provide for the establishment of a public library in the city of
(or as the case may be).

Whereas.....electors have petitioned the council
 of the said city of.....(or as the case may be) praying
 for the establishment of a public library under *The Public Libraries Act*.

Be it therefore enacted by the said municipal council of the said city of
(or as the case may be) that in case the assent
 of the electors is given to this by-law a public library be established in this
 municipality in accordance with the provisions of *The Public Libraries Act*.

And be it further enacted that the votes of the electors be taken on this
 by-law on.....the.....day of.....
19....., commencing at nine o'clock in the morning and con-
 tinuing until five o'clock in the afternoon at the undermentioned places:
 (Here insert the places of holding the poll, the name of the returning officer and
 the names of the deputy returning officers.)

That on the.....day of.....next at
 his office in the.....at.....
 o'clock in the.....noon, the.....(mayor or
 other head official as the case may be) shall appoint in writing signed by him
 two persons to attend to the final summing up of the votes by the returning
 officer, and one person to attend at each polling place on behalf of the persons
 interested in and desirous of opposing the passage of this by-law.

That the returning officer shall attend at the.....
 at the hour of.....o'clock in the.....noon on the.....
day of.....19....., to sum up the number
 of votes given respectively for and against the by-law.

NOTICE BY CLERK.

The above is a true copy of a proposed by-law which will be taken into
 consideration by the council of....., and the polls
 for taking the votes of the electors will be held at the hour, day and place
 named in the said by-law.

FORM C.

(Section 31.)

PUBLIC LIBRARY DEBENTURE.

Name of Municipality.....
 No..... Province of Alberta..... \$.....
 Under and by virtue of *The Public Libraries Act* and of by-law No.....
 of the corporation of.....passed under the powers
 in the said Act contained the corporation of.....
 promise to pay the bearers at the.....at.....

the sum of.....dollars of lawful money of Canada
 in.....equal consecutive annual instalments of principal
 and interest on the terms and in the amounts specified in the coupons attached.

A.B.,

(Mayor (or as the case may be.)

(Corporate Seal.)

C.D.,

Treasurer.

Coupon No..... Debenture No.....
 The corporation of.....will pay to the bearer at
 the.....at.....
 on the.....day of.....19.....the sum
 of.....dollars being the.....instalment of
 principal together with interest at the rate of.....per
 centum per annum due on that day on Public Library Debenture No.....

A.B.,

Mayor (or as the case may be.)

C.D.,

Treasurer.

1907

CHAPTER 18.

An Act respecting the Taxation of Land for Educational Purposes.

(Assented to March 15, 1907.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

Short title

1. This Act may be cited as "*The Educational Tax Act.*"

2. Save as in the next following section provided, all land within the province not exempt from taxation by the province, shall be taxed one and one-quarter cents per acre and every occupant of land exempt from taxation by the province, shall be taxed one and one-quarter cents per acre in respect of his interest therein; provided, however, that any occupant of land held under grazing lease or permit from the Government of Canada shall be taxed in an amount not exceeding three-quarters of one cent per acre; and provided further, that in any case the taxes levied on or in respect of any lot containing at least one acre in any subdivision or plan or on or in respect of any fraction of a section containing at least one acre shall be at least fifty cents, and that the taxes levied on or in respect of any lot containing less than one acre in any subdivision or plan or on or in respect of any fraction of a section containing less than one acre shall be at least twenty-five cents. 1914, c. 12, s. 1.

Exemptions

3. The exemptions from taxation under the provisions of this Act shall be—

1. Lands included within any organized school district except the interest of any person in land held under grazing lease or permit from the Government of Canada.;

2. All lands held by or in trust for the use of any tribe of Indians;

3. The land to the extent of one acre held by or for the use of any church and occupied by a building used for church purposes;

4. The land in use as a public cemetery, not exceeding twenty-five acres;

5. The land used as a right-of-way for any irrigation canal or ditch;

6. The occupant of any enclosed land held under hay permit;

7. The occupant of any land for which homestead entry has been made under the provisions of *The Dominion Lands Act* or of any Act substituted therefor for a period of four years after the making of homestead entry. 1914, c. 12, s. 2.

4. The assessment hereinafter provided for shall, except in the case of lands situate in a rural municipality, be made

by the Department of Municipal Affairs which shall issue all notices of assessment and levy and collect all such taxes. Where lands are situate in a rural municipality, such assessment shall be made and the notices of assessment issued by the rural municipality, which shall levy and collect such taxes in the same manner as municipal taxes are levied and collected. 1914, c. 12, s. 3.

(2) Any rural municipality so collecting the said taxes shall be entitled to retain two and one-half per centum of the amount actually collected, to cover the expenses of collection. The balance of the money so collected shall be paid to the Minister of Municipal Affairs on the first day of the month next following the date of collection and shall be accompanied by a statement showing the several amounts collected from occupants of land held under grazing lease or permit from the Government of Canada. 1915, c. 2, s. 4.

(3) On or before the second day of January in each year every rural municipality shall forward to the Minister of Municipal Affairs a report respecting assessment and taxation under this Act, showing—

- (a) Arrears of taxes at the beginning of the preceding year;
 - (b) The amount of the assessment for the preceding year;
 - (c) The amount collected and forwarded to the Minister of Municipal Affairs during the preceding year; and
 - (d) The amount of arrears at the close of the preceding year.
- 1915, c. 2, s. 4.

5. On or before the first day of July in each year an assessment roll shall be prepared, upon which shall be entered as accurately as may be the following information with respect to lands or occupants subject to taxation under this Act—

- (a) Each lot or parcel of land owned or occupied, and the number of acres it contains;
- (b) The name and post office address of the person assessed as owner or occupant of each lot or parcel;
- (c) The amount of assessment;
- (d) The amount of previous assessments which have not been paid. 1914, c. 12, s. 4.

6. If after reasonable inquiry the name or address of the owner or occupant of any lot or parcel of land cannot be ascertained the same shall be deemed to be duly assessed if entered on the roll as "owner unknown" or "address unknown" as the case may be.

7. Upon the completion of the assessment roll it shall be signed by the Minister of Municipal Affairs, and a notice shall then be sent by ordinary mail to each person whose name appears on the roll, stating the land in respect to which such person is assessed, the amount of such assessment, and requesting payment of the same, and entry upon the assessment roll of the date of mailing such notices together with the initials of the clerk mailing the same, shall be *prima facie* evidence that the notice was duly mailed on that day.

8. If any property in respect of which any person should have been assessed has been omitted from the assessment roll

or has been entered on the roll in the name of the wrong person, or with an incorrect acreage, the necessary addition or alteration to correct the error may be made at any time in the year in which such assessment is made, such addition or alteration being initialed by the Minister, and a notice of assessment in accordance with such addition or alteration shall forthwith be sent to the owner or occupant of the property affected thereby.

Taxes a debt

9. The taxes accruing upon, or in any respect of any land under the provisions of this Act shall be a debt, and shall be payable in cash, and shall be a special lien upon such land having priority over any claim, lien, privilege or encumbrance thereon, except claims of the Crown and local improvement and irrigation district taxes.

Penalty for nonpayment

(2) In the event of any taxes remaining unpaid on the 1st of January of the year following that in which the same were levied there shall be added thereto as a penalty an additional sum amounting to ten per cent. of such taxes. On the first day of January of each year thereafter, as a penalty, an additional sum amounting to ten per cent. of all arrears of taxes shall be added thereto.

Taxes recoverable by suit

(3) All taxes or arrears of taxes due hereunder may be recovered by suit in the name of the Minister of Municipal Affairs, in which case the assessment roll shall be *prima facie* evidence of the indebtedness of the person assessed therefor.

Distress for taxes

10. In case any ratepayer neglects or refuses to pay his taxes due upon or in respect of any land by virtue of this Act for two months after the mailing of the notice provided for by section 5 thereof the Minister of Municipal Affairs may by his agent levy the same with costs by distress of the goods and chattels of the person who ought to pay the same, or of any goods and chattels in his possession, wherever the same may be found in the province, or of any goods and chattels found on the premises the property of, or in the possession of any other occupant of the premises and may impound the same on the premises where distrained, and no claim of property, lien or privilege shall be available to prevent the same, or payment of the taxes and costs out of the proceeds of the sale thereof. 1914, c. 12, s. 5.

Tax enforcement return

11. The Minister shall during the month of January in each year prepare a separate statement, to be known as "the tax enforcement return," and the said Minister shall enter in such return the following information in the columns provided for the purpose—

- (a) The name and post office address of each person whose name appears on the last revised assessment roll and who has not paid all taxes due by him thereunder for the year next preceding the preparation of the said roll, or for any former year; 1911-12, c. 4, s. 27.
- (b) A description of each lot or parcel of land for or in respect of which each such person is assessed; 1914, c. 12, s. 6.
- (c) A statement of the taxes due by each such person on each lot or parcel of land for which he is assessed, including the taxes of the next preceding year and showing the year for which all such taxes were levied. 1911-12, c. 4, s. 27.

11a. The said return shall for all purposes be *prima facie* Return evidence of validity of assessment evidence of the validity of the assessment and imposition of the taxes, as shown therein, and that the steps and formalities prescribed by this Act have been taken and observed. 1911-12, c. 4, s. 27.

12. On application by the Attorney General or some advocate Application to judge re confirmation authorized by him to a judge of the District Court of the judicial district within which such lands are wholly or partly situated, or if such lands are situated within more than two judicial districts to the judge of the District Court of any of such judicial districts, such judge may appoint a time and place for the holding of the court for confirmation of the return mentioned in the preceding section, notice of which shall be published in every issue of the official gazette for two months, and once each week for at least eight weeks in a local paper published in the vicinity of the lands entered on such return to be named by the Minister of Municipal Affairs. 1911-12, c. 4, s. 27.

(2) A notice of the time and place fixed for confirmation of such returns shall be sent by registered mail at least sixty days prior to the time so fixed to each person who appears by the records of the proper land titles office or by the said return to have any interest in the lands mentioned in the said return in respect of which confirmation is desired, and whose post office address is shown by said records of return; and the entry against such lands of the date of mailing such notice together with the initials of the Minister of Municipal Affairs shall without proof of the appointment or signature of the said Minister be *prima facie* evidence that the required notice has been mailed.

13. At the time and place so appointed the judge shall hear Adjudication by judge the application and also any objecting parties and the evidence adduced before him; and thereupon adjudge and determine whether or not the taxes imposed respectively upon each parcel of land included in the return were either wholly or in part in default; and report the adjudication to the said Attorney General; and shall also confirm the return as to these parcels on which any taxes are determined to be in arrears for over two years, naming the amounts severally and adding thereto a reasonable amount for the expense of advertising together with such sum as he may fix for costs of the application; and the effect of such adjudication shall be to vest in the Crown for the public use of the province the said lands, subject however to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by the payment to the Minister of Municipal Affairs of the amounts named, including expenses as aforesaid together with a redemption fee of five cents for each and every acre in the parcel so redeemed; but no such redemption fee shall be less than two dollars:

Provided that the Minister of Municipal Affairs may upon such terms as seem to him to be just allow redemption after the expiration of the said period of one year.

(2) For the purposes of this section all taxes shall be held to be due on the first day of January of the calendar year within which the same are imposed.

(3) In the event of any person successfully opposing confirmation of the said return as to the land in which he is interested, the judge may order an allowance to him as witness fees to be paid by the province.

(4) A copy of such adjudication certified by the Minister of Municipal Affairs shall be forwarded to the registrar of land titles of the land registration district in which the lands named in the adjudication or any of them are situated; and such copy shall be notice to the public of the facts contained therein.

Payment after
appointment

14. If any person interested in any parcel of land contained in the return presented to the judge for confirmation as provided by section 12 of this Act pays the taxes upon such land before the date fixed for confirmation of such return, but after such date has been fixed he shall in addition to the amount of taxes shown by such return to be overdue pay the sum of \$1 for each quarter section or portion thereof in view of the cost of application to the judge and advertising and postage in connection with such proceedings.

Order vesting
title in Crown

15. At any time after the expiration of the year last named on *ex parte* application by the Attorney General or some advocate authorized by him and production of the last named adjudication together with a certificate of the Minister of Municipal Affairs showing that the land has not been redeemed the judge by order in chambers may direct that the title to such of the land named in the adjudication as has not been redeemed by the owner, be absolutely vested in His Majesty freed from all liens, mortgages and encumbrances of whatever nature and kind the same may be.

No double
assessment

16. Upon the Minister of Municipal Affairs being satisfied that any lands assessed hereunder for any year have been included in any organized school district and assessed for school purposes therein, for the same year the said Minister may cancel the assessment made hereunder for the said year and direct that any moneys received by the Department of Municipal Affairs by virtue of such assessment be refunded. 1910 (2nd Session), c. 2, s. 20; 1915, c. 2, s. 4.

NOTE.—*The amendment to s. 16, by s. 4, c. 2, 1915, shall be deemed to have been made on the first day of January, 1913, and to take effect therefrom.* 1915, c. 2, s. 4, ss. 3.

(2) This section shall apply to taxes imposed before as well as after the passing of this amendment. 1910 (2nd Session), c. 2, s. 20.

16a. Upon the Minister of Education being satisfied that any organized school district has failed or ceased to operate a school therein, the Lieutenant Governor in Council may by order declare the lands within such school district to be subject to taxation hereunder, and upon such order being made and notice thereof published in *The Alberta Gazette*, the land included in such school district shall be subject to taxation in the same way and to the same extent as though it were not included in an organized school district, until such time as the said order is rescinded by the Lieutenant Governor in Council. 1910 (2nd Session), c. 2, s. 20.

17. The moneys levied under this Act shall be paid to the Provincial Treasurer as collected; provided, however, that any expense incidental to the assessment levy and collection of the taxes hereunder shall first be deducted therefrom. 1911-12, c. 4, s. 27; 1914, c. 12, s. 7.

17a. One-third of the moneys received by the Provincial Treasurer under the provisions of the last preceding section in respect of the taxes levied and collected under an assessment and levy made during the year 1915 or in any year thereafter, on land held under grazing lease or permit from the Government of Canada, shall be deposited by him in a special trust account to be paid to the Minister of Education from time to time for administration under the provisions of section 3b of *The School Grants Ordinance*, and any balance of such trust fund not so administered shall be paid into the general revenue fund of the province at such time or times as the Provincial Treasurer shall direct. 1914, c. 12, s. 8.

17b. All moneys now in hand, and all moneys received by the Provincial Treasurer under the provisions of section 17, other than moneys to be deposited in the trust fund created by the provisions of the next preceding section, shall be dealt with as provided by *The Treasury Department Act*. 1914, c. 12, s. 8.

18. The Provincial Auditor shall see that all moneys collected **Audit** under this Act are deposited and disbursed as provided for in this Act.

(2) The Provincial Auditor or his nominee may audit and shall have the right to audit and inspect all accounts of every rural municipality insofar as they relate to assessment and taxation under this Act, and shall have access to all books, papers, receipt-stubs, vouchers and other documents containing any references or entries concerning the said assessment and taxation. 1914, c. 12; s. 9.

19. In this Act unless the context otherwise provides—

Interpretation

1. "Owner" includes any person who has any right, title or estate whatsoever or any interest other than that of a mere occupant in any land;

2. "Occupant" includes the inhabitant occupier of any land or if there be no inhabitant occupier the person entitled to the possession thereof and the leaseholder or holder under agreement for lease and holder under agreement for sale and any person having or enjoying in any way or for any purpose whatsoever the use of the land;

3. "Ratepayer" means any owner or occupant of land who is over eighteen years of age;

4. "Land," "lands" or "real property" include lands, tenements and hereditaments and any estate or interest therein.

1907

CHAPTER 19.

An Act respecting the Taxation of Corporations and Others.

(Assented to March 15, 1907.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

Short title

1. This Act may be cited as "*The Corporations Taxation Act.*"

INTERPRETATION.

Interpretation

2. In this Act unless the context otherwise requires—

Bank

(a) The expression "bank" means and includes any corporation or joint stock company whatsoever incorporated for the purpose of doing a banking business, whether the head office is situated in the Province of Alberta or elsewhere, and which transacts a banking business in Alberta and includes a savings bank;

Private bank

(b) The expression "private bank" means any person or any number of persons associated together, transacting and doing a general banking business in the Province of Alberta;

Insurance company

(c) The expression "insurance company" embraces and includes life, fire, ocean, marine, inland transit, accident, plate glass, steam boiler and burglary insurance companies and every guarantee company wheresoever such companies may be incorporated, whether the head office is situated in the Province of Alberta or elsewhere, and which transacts business in the Province of Alberta, but does not include mutual fire insurance companies (unless where any mutual fire insurance company transacts business on the cash plan), or friendly, fraternal or charitable societies or associations, chartered or licensed by the Dominion of Canada or any of the provinces thereof, transacting insurance in the Province of Alberta;

Loan company

(d) The expression "loan company" embraces and includes every investment company, mortgage company, loan company and loaning land company, and also every corporation, incorporated company and association wheresoever incorporated, not being a bank, whose business or one of whose businesses is to lend money at interest on the security of real estate, or any interest therein, either to the public or its own members, whether the head office is in Alberta or elsewhere, and which carries on any such business in Alberta, even though the mortgages or other securities belonging to such company, corporation or association may be taken in the name or names of some person or persons or corporation other than the company or corporation or association taxable; 1907, c. 19, s. 2; 1908, c. 20, s. 27; 1913 (2nd Session), c. 19, s. 1.

(dd) The expression "land company" embraces and includes ^{Land company} every corporation, incorporated company and association, where-soever incorporated, empowered under its charter, act of incorporation or articles of association to buy and sell land or other real properties in Alberta, which has, during or at any time within the year for which the tax is being collected, bought or sold lands, held lands for sale or had, at the end of the calendar year preceding taxation under this Act, among its assets any money remaining unpaid on any sale of such lands, no matter where made, and including any such investment or invested moneys owned by the company, corporation or association, which may be taken in the name or names of some person or persons or corporation other than the company, corporation or association taxable; 1913 (2nd Session), c. 19, s. 1.

(e) The expression "company," "joint stock company," and "corporation" respectively embrace and include every corporation, incorporated company and association to which this Act refers and which transacts, or which during the year in respect of which the tax is payable has transacted business in Alberta whether now or hereafter incorporated by or under any Statute or Act of Parliament or of a Legislature or by letters patent or otherwise, howsoever, within the territories and dominions of the Crown, or within any foreign country and wheresoever organized and incorporated, and wherever the head office is situated or wheresoever the board of management or executive officers transact the business of the company, and also apply respectively to all similar companies, associations or corporations, which may be hereafter incorporated for such purposes as aforesaid and which shall do or transact business in Alberta, and where any such corporation, company or association shall be placed in the hands or control of agents, assignees, trustees, liquidators, or receivers or other officers then to such agents, assignees, trustees, liquidators, or receivers or other officers;

(f) The expressions "company," "joint stock company," and "corporation" further respectively embrace and include an individual, a partnership, syndicate or trust, where the class or kind of business to which this Act applies is conducted or carried on in Alberta by such individual, partnership, syndicate or trust whether the head office or chief place of business of such individual, partnership, syndicate or trust is in Alberta or elsewhere, but the word individual in this clause shall not apply to an individual merely because of his lending money;

(g) The expression "head office" in the case of companies ^{Head office} organized by or under or by virtue of *The Companies Ordinance* or any Act of the Legislature passed in substitution therefor or by or under any Act of the Legislature of Alberta shall mean the place in the province where the registered office of the company is situated according to the memorandum of association, or Act, or Ordinance incorporating the same;

(h) The expression "head office" in the case of foreign companies shall mean the place within the province at which the person named to act as the attorney of the company, under *The Foreign Companies Ordinance*, resides;

(i) The expression "head office" in case of banks, whose organization and chief executive officers are without Alberta, shall mean the office within Alberta which on the thirty-first day of December in the year one thousand nine hundred and

six did the largest business within Alberta during the year one thousand nine hundred and six. In the case of banks, where-soever incorporated, which may hereafter commence business in Alberta, the head offices thereof shall be designated by the chief executive officers thereof and notice thereof shall be given to the Minister and where no such notice is given the head office shall be designated by the Lieutenant Governor in Council; 1911-12, c. 4, s. 28.

Minister

(j) The expression "Minister" means the Provincial Secretary for Alberta. 1911-12, c. 4, s. 28.

TAXES: HOW AND WHEN PAYABLE.

Company
to pay tax
annually

3. For the purposes of adding to or supplementing the revenues of the Crown in the Province of Alberta, every company, joint stock company, corporation, association, individual, partnership, syndicate, or trust hereinbefore described, and being any of the classes of companies or corporations, or being an individual partnership, syndicate or trust hereinafter mentioned or referred to, and which transacts business in the Province of Alberta under its, his or their name or otherwise or through an agent or agents, shall annually pay to the Crown in this province each and every year the several taxes by this Act imposed thereon at the times and in the manner hereinafter provided—

Private
banksIn village
centresBranch
officeInsurance
companies

- (a) Every head office of a bank shall pay a tax of \$1,000; 1913 (2nd Session), c. 19, s. 2.
- (b) Every such bank shall pay an additional tax of \$125.00 for each branch office or agency; 1913 (2nd Session), c. 19, s. 2.
- (c) Every private bank other than private banks in villages shall pay a tax of \$200. In villages private banks shall pay a tax of \$100. All such banks shall pay an additional tax of \$25 for each branch office or agency in the province, but no such latter tax shall be levied upon more than one office, branch or agency in any one city, town or village, or village centre;
- (d) Every insurance company which transacts business in the Province of Alberta shall pay a tax of one per cent. calculated on the gross premiums received by such company in respect of the business transacted in the Province of Alberta during the preceding year, but in the case of mutual fire insurance companies which receive premiums in cash the tax shall be calculated on the gross premiums received by such companies in cash in respect of the insurance transacted on the cash plan in the said province during the preceding year: Provided that "gross premiums" in this subclause shall not be taken to include any portion of a premium which is returned to the insurer by way of refund;
- (i) In the case of an insurance company which lends or invests money on securities in the province, and has invested in the province more than fifty thousand dollars such company shall in addition to the one per cent. of gross premiums, pay a tax of one-quarter of one per cent. on the gross income of the company

received during the year from its total investments in the province; 1908, c. 20, s. 27; 1913 (2nd Session), c. 19, s. 3.

- (ii) In the case of re-insurance by an insurance company, ^{Re-insurance} the principal company shall be exempt from the tax imposed by this Act on the portion of the premium paid to the re-insuring company but the company receiving the premium for the re-insurance shall nevertheless be liable for the tax in respect thereof as part of its gross premiums. Where the re-insuring company does not conduct business in Alberta or has no principal or head office therein, the principal company shall retain in its hands so much of the said premium as will be equivalent to the tax by this Act imposed on or in respect of such premium and shall be liable for the tax and for the payment thereof to the Minister;
- (e) Every loan company which transacts business in the ^{Taxation} Province of Alberta shall pay a tax of one-half of one ^{of loan} per cent. on the gross income of the company received ^{company} during the year from its investments in the province, of whatever nature, including in such gross income any bonuses received for allowing prepayment of loans and revenues of any other nature from such investments, including interest received on all bank accounts; with a minimum tax of twenty-five dollars when the paid-up capital of the company is less than fifty thousand dollars, and fifty dollars when the paid-up capital is fifty thousand dollars or more but less than one hundred thousand dollars, and one hundred dollars when the paid-up capital is one hundred thousand dollars or more, ^{Minimum} which provision of a minimum tax shall apply to a ^{tax} company during the first year of doing business in the province as well as thereafter; 1913 (2nd Session), c. 19, s. 4.
- (ee) Every land company which transacts business in the ^{Taxation} Province of Alberta shall pay a tax of forty cents for ^{of land} every thousand dollars of money invested in the province, ^{company} including money invested in the purchase or acquisition of lands or other real or personal property, money remaining unpaid at the end of the preceding calendar year on any sales of such land, no matter when made, with a minimum tax of twenty-five dollars when the ^{Minimum} paid-up capital of the company is less than fifty thousand ^{tax} dollars, fifty dollars when the paid-up capital of the company is fifty thousand dollars or more, but less than one hundred thousand dollars, and one hundred dollars when the paid-up capital is one hundred thousand dollars or more, which provision of a minimum tax shall apply to a company during the first year of doing business in the province as well as thereafter. 1913 (2nd Session), c. 19, s. 4.
- (i) (*Repealed*—1913 (2nd Session), c. 19, s. 4.)
- (ii) (*Repealed*—1913 (2nd Session), c. 19, s. 4.)
- (iii) (*Repealed*—1913 (2nd Session), c. 19, s. 4.)
- (iv) (*Repealed*—1913 (2nd Session), c. 19, s. 4.)
- (v) (*Repealed*—1913 (2nd Session), c. 19, s. 4.)

- (vi) (*Repealed*—1913 (2nd Session), c. 19, s. 4.)
- (vii) (*Repealed*—1913 (2nd Session), c. 19, s. 4.)
- (viii) It shall not be lawful for a loan company to charge any portion of the tax payable by it hereunder to any mortgagor or borrower from the company, either by adding a portion of such tax, or an amount stated to be in respect of or for such tax, to the periodical payments or principal or interest, or principal and interest, and other charges payable by such mortgagor or borrower to the company, or otherwise, and any loan company that violates the provisions of this subsection shall be liable upon summary conviction to a fine of not less than \$10 and not more than \$50; and the justice or magistrate may by his conviction order that the amount (if any) that shall have been obtained from any mortgagor or borrower by the loan company in respect of the tax payable by such company hereunder be forthwith refunded to such mortgagor or borrower by the loan company; 1909, c. 4, s. 19.

Taxation
of trust
company

- (f) Every trust company which transacts business in the Province of Alberta shall pay a tax of one-half of one per cent. on the gross income of the company received during the year from its total investments in the province, including in such investments all moneys invested in the purchase of lands or interest therein, and including also money invested on behalf of or in trust for other corporations, unless such other corporations have paid taxes to the government upon such investments, and including all unpaid purchase money on lands or interests therein which have been sold as shown by a statement of the affairs of the company, with a minimum tax of \$100 where the paid up capital of the company is \$100,000 or less, and \$175 if the paid up capital exceeds \$100,000, which provision of a minimum tax shall apply to a company during the first year of doing business in the province as well as thereafter. The same tax shall be payable by every trust company in respect of such moneys invested, although the mortgages or other securities therefor may be taken in the name or names of some person or persons or corporation in trust for or on behalf of such trust company; provided, however, that in all cases of investments of moneys belonging to any company or corporation through a trust company, the tax upon such trust company in respect of such investments shall not be greater than if such investments had been made directly by such first mentioned company or corporation; 1913 (2nd Session); c. 19, s. 5.

Minimum
tax

Tax where
security is
held in the
name of
trustee

Proviso

Street
railway
company

- (g) Every street railway company in the Province of Alberta and every company working or operating a railway or part thereof entirely or partly by electricity in any city in the said province for carrying passengers shall pay a tax of \$200 in each and every year where the whole line of track is twenty miles or less and \$10 for each mile of track in excess of said twenty miles. In all cases the mileage shall be computed on the single

- track, each mile of double track being counted as two miles of single track. Switches or sidings, tracks into car shed, Y's and portions of track not in general use shall be excluded from the computation of mileage;
- (h) Every company doing a general commercial telegraph business in the Province of Alberta shall pay a tax of one per cent. of its gross revenue, without any deductions whatsoever, earned, derived, accrued or received from any source whatsoever which may arise from business transacted in the province and the Provincial Secretary may take such steps to ascertain what proportion of the said gross revenue does arise from business transacted in the province as to him seems necessary or expedient; 1907, c. 19, s. 3; 1911-12, c. 4, s. 28; 1913 (2nd Session c. 19, s. 6. Telegraph company
 - (i) *(Repealed—1913 (2nd Session), c. 19, s. 6.)*
 - (j) Telephone companies working or operating telephone lines or systems in the province for gain shall severally pay the following tax: In cities having a population of ten thousand or over, an amount equivalent to 50 cents upon each telephone instrument under rent from each of the said companies respectively; in cities having a population under ten thousand and in incorporated towns and villages, an amount equivalent to 25 cents upon each telephone instrument under rent from each of the said companies respectively; Telephone companies
 - (k) Every company in any city in the province supplying gas for illuminating or other purposes for gain shall pay a tax of \$500; Gas company
 - (l) Electric lighting companies in the province supplying electricity for illuminating or other purposes for gain, shall severally pay the following tax, that is to say: In cities possessing a population of ten thousand or over, \$500; in cities possessing a population under ten thousand, \$100; in incorporated towns and villages, \$25; but this provision shall not be applicable to any electric works owned and operated by a municipality; Electric lighting company
 - (m) Every express company doing a general express business in the Province of Alberta shall pay a tax of one per cent. of its gross revenue, without any deductions whatsoever, earned, derived, accrued or received from any source whatsoever which may arise from business transacted in the province and the Provincial Secretary may take such steps to ascertain what proportion of the said gross revenue does arise from business transacted in the province as to him seems necessary or expedient. 1907, c. 19, s. 3; 1913 (2nd Session), c. 19, s. 7. Tax on express companies

4. The said taxes imposed by this Act shall become due and payable on the thirtieth day of June in each and every year. In the case of companies within the meaning of this Act the said taxes shall be based on the returns of such companies for the year preceding the date of payment. When a company has not before done business in the province and commences such business at any time after the thirtieth day of June in any fiscal year it shall only be required to pay one-half of the tax for the year as hereinbefore provided. Taxes how and when payable

Premiums
of insurance
companies

5. All premiums payable to any insurance company on or in respect of any policy or renewals thereof shall for the purposes of this Act be deemed to be payable within the province to any and every insurance company doing business in the province, and the taxes aforesaid shall be payable by the company as aforesaid, upon and in respect of all such premiums, whether they are paid or made payable in the province, or elsewhere than in the province, and whether such premiums are wholly earned or partly earned in Alberta, and whether the policies are issued to or held by persons, who resided at the time of the issue of the policy or who afterwards resided in Alberta, and whether the business in relation to such policies is or was transacted in whole or in part within Alberta or elsewhere.

Penalty for
default of
payment of
taxes

6. In case of default in payment of taxes imposed by this Act the same may be levied and collected with costs by distress upon the goods and chattels wherever found of the company liable therefor under a warrant signed by the Minister, directed to the sheriff of the judicial district in which the company in arrear may have any goods or chattels, and in such case the sheriff shall realize the said taxes or so much thereof as may be in arrear, and all costs by sale of such goods or chattels or so much thereof as may be necessary to satisfy the said warrant and costs, or the said taxes or the penalty and double tax hereinafter provided, or both, may at the option of the Treasurer be sued for and recovered with costs in any court of competent jurisdiction in an action to be brought in the name of the Minister and the action or suit shall be tried by a judge without a jury. 1911-12, c. 4, s. 28.

Taxes to be
first lien on
assets of
company

7. In case of liquidation or insolvency of any of the corporations or companies upon which a tax is by this Act imposed the amount unpaid of such tax shall be a first lien or preference upon the estate of such corporation or company subject to the provisions of any Statute in Canada, and to the costs and charges of liquidation or insolvency proceedings.

RETURNS.

Annual
statement to
be made to
Minister
by every
corporation
taxed under
Act

8. On or before the thirtieth day of June in each and every year every corporation or company on which a tax is by this Act imposed, and which is doing business in the Province of Alberta, shall without any notice or demand to that effect deliver to the Minister a detailed statement verified by the oath or affirmation of the president and manager, or vice-president and manager, or such other person or persons connected with the company or corporation having personal knowledge of the affairs of the company or corporation as the Minister may require, sworn to or affirmed before a commissioner for taking affidavits or a notary public, showing such of the following information as shall be necessary to enable the Minister to determine the tax payable by the company so making the statement: 1911-12, c. 4, s. 28.

Contents of

1. The name of the company or corporation;
2. The nature of the company or corporation, whether a person, partnership, joint stock association or corporation, and if a joint stock association or corporation under the laws of what province organized;

3. The location of its principal office;
4. The names and post office address of the president, secretary, treasurer and general manager;
5. The name and post office address of the chief officer or manager in this province;
6. The number of shares of its capital stock, the number issued and the amount paid thereon;
7. The par value and market value, or if there be no market value the actual value of its shares of stock;
8. The amount of the bond or debenture debt of the company or corporation, and the value thereof;
9. The amount of dividends, if any, paid upon each share of its stock during the twelve months immediately preceding the first day of January;
10. A detailed statement of the real estate owned by it situate within the province, where situate, and the value thereof;
11. The total value of the real estate situate without this province;
12. The total value of the personal property owned by the company or corporation—
 - (a) Situate within this province;
 - (b) Situate outside this province;
13. A statement showing the gross receipts and earnings of the company or corporation during the twelve months immediately preceding the first day of January, arising—
 - (a) From business done wholly within this province;
 - (b) From business done partly within and partly without this province;
 - (c) From business done wholly outside this province;
14. In the case of a real estate company the amount of the unpaid purchase price of land sold by it;
15. In the case of a bank the number of offices or agencies thereof in this province;
16. In the case of a street or other railway operated by electricity the number of miles in operation within the province during the preceding calendar year computed in accordance with the requirements of subsection (g) of section 3 of this Act;
17. In the case of telegraph and express companies the total gross revenues, as reported by each head, main branch or other office within the province; 1913 (2nd Session), c. 19, s. 9.
18. In the case of all companies such further information as may be required by the Minister to enable him to determine the tax payable by the company or corporation making such statement. 1911-12, c. 4, s. 28; 1913 (2nd Session), c. 19, s. 9.

9. Every corporation or company which, and the manager or agent in the province of any company as aforesaid who, neglects to conform to the provisions of the preceding section shall each be liable to a penalty of \$20 per day for each day during which default is made, and the company shall also be liable to pay a tax of double the amount for which it would have been liable under the preceding sections, and any penalty or such double tax may be recovered in any court of competent jurisdiction in an action brought in the name of the Minister aforesaid to be tried by a judge without a jury.

Penalty for neglect to comply with the provisions of Act

Minister
may require
production
of documents

(a) In any such action the said Minister shall have the right either before or after the trial to require the production of documents, to examine parties or witnesses, or to take such other proceedings in aid of the action as a plaintiff has or may take in an ordinary action. 1911-12, c. 4, s. 28.

Minister
may enlarge
time for
return

10. The Minister may at his discretion and for good cause enlarge the time for making any such return. 1911-12, c. 4, s. 28.

Statement
by insurance
companies

11. Every insurance company making the return hereinbefore mentioned shall in addition to the other particulars state in the return the gross premiums received during the preceding year by the company in respect or on account of business wholly or in part or of policies issued to or held by persons residing in the Province of Alberta, whether such premiums were so received by the company within the province or were received by the company elsewhere in respect of such Alberta business.

Minister
may require
further
statements

12. If the Minister of the province desires, in order to enable him to determine the correctness of any return made under the provisions of this Act, or desires further information thereon, he may require the president, manager, secretary or agent of the corporation or company to furnish a further statement under oath within thirty days. 1911-12, c. 4, s. 28.

In case of
default
Lieutenant
Governor in
Council may
appoint
commission
to inquire

13. In case the required information is not furnished within the time limited as aforesaid, or in case the Minister is not satisfied therewith, the Lieutenant Governor in Council may direct an inquiry to be made by a commissioner or commissioners appointed under "*An Ordinance respecting Inquiries Concerning Public Matters*," and the determination of the commissioner or commissioners appointed under such Ordinance, after giving the parties an opportunity to be heard, shall for the purposes of this Act be final as to the particulars mentioned in their report; but the Lieutenant Governor in Council may for cause vary the said report; but the amount found by the commissioner or commissioners shall not be increased without giving the company or its agents an opportunity of being first heard. 1911-12, c. 4, s. 28.

Costs of
inquiry to
be paid by
company

14. If the inquiry is occasioned by failure to furnish the information required by the Minister, the company or corporation shall pay the costs of the inquiry, subject to the next succeeding section; but if the statement is found to be correct and the required information was duly furnished the Minister may direct the costs or such of them as were necessary to be paid by the province, and he may for this purpose settle the same or may direct a taxation thereof. 1911-12, c. 4, s. 28.

Penalty for
understating
the amount
to be taxed

(a) In case the commissioner or commissioners shall find that the statement filed understates the amount on which the tax should be paid, the company or corporation besides paying the costs of the inquiry shall pay as a tax such sum as shall be found payable under the report of the commissioner or commissioners with fifty per cent. added to the entire tax as the same would have been computed under the preceding sections unless the Lieutenant Governor in Council shall otherwise order.

(b) The costs of the commission shall be determined and ^{Costs} certified by the Minister, or he may direct the same to be taxed, and when payable to the Crown the same may be recovered in the manner herein provided for the recovery of taxes. 1911-12, c. 4, s. 28.

(c) If the Minister directs the costs to be taxed the same shall ^{Taxation of costs} be taxed by any of the clerks or by the registrar or other officer of the Supreme Court as directed by the Minister. 1911-12, c. 4, s. 28.

15. When the commissioner or commissioners have found the statement so filed as aforesaid understates the amount on which the tax should be paid, but also certify that such misstatement was not made with intent and for the purpose of decreasing the amount of taxes to be paid, but was made *bona fide* and in good faith and with no improper motive, the Lieutenant Governor in Council may upon the recommendation of the Minister remit so much of the added percentage and so much of the costs as to him in his discretion may seem meet to do justice in the premises. 1911-12, c. 4, s. 28. ^{Lieutenant Governor in Council may remit penalty}

16. In case any company or corporation neglects or refuses to make the return within the time prescribed by this Act or to furnish to the Minister any further or other information required after making such return or, having made such return and furnished such further or other information, it is found by the commissioner or commissioners that the return or the statements made by the company or corporation are glaringly inaccurate, and that the amount upon which the tax should be paid has been wilfully understated, the Minister may in addition to subjecting the company or corporation to the penalties hereinbefore by this Act provided order the cancellation of the license, certificate of registration or other document of incorporation under which such company or corporation transacts and carries on business in the province, whereupon such license, certificate of registration or document shall be absolutely revoked and rendered null and void to all intents and purposes whatsoever. 1911-12, c. 4, s. 28. ^{In case of understatement Minister may order cancellation of license, etc.}

17. In any action brought by the Minister under this Act it shall be sufficient if the action is brought by "the Provincial Secretary for the Province of Alberta" as plaintiff, and it shall not be necessary to name the Minister, and the action shall not abate by reason of a change in the person of Minister, but the action may proceed as if no change had been made. 1911-12, c. 4, s. 28. ^{Prosecutions}

18. Where a company or corporation pays the tax by this Act imposed no similar tax shall be imposed or collected by any municipality in this province, and no company made liable to taxation by this Act, nor any of its agents, shall require any license, authorization or permit of any municipality for doing business in the municipality or for establishing agencies therein. ^{Companies not liable to taxes by municipalities}

19. The word "premiums" where used in this Act, shall embrace, mean, and include the first premium payable upon the policy of insurance and the annual or other premiums payable thereon thereafter and whether for renewals or otherwise; and ^{Meaning of "premiums"}

Meaning of
"preceding
year"

the words "preceding year" the thirty-first day of December next before the time when the taxes hereby imposed are payable; and the said taxes shall be levied upon capital stock as the same stood on the said thirty-first day of December, and the statement hereinbefore required shall give the information required as of the said date.

Appropriation for
university

20. One-fifth of the taxes collected under the provisions of this Act by the Minister shall be appropriated towards the support and maintenance of the Provincial University. 1911-12, c. 4, s. 28.

Note.—The amendments contained in *The Corporations Taxation Act*, 1913, apply to all companies affected thereby from the first day of January, A.D. 1913. (*See* 1913 (2nd Session), c. 19, s. 8.)

1907

CHAPTER 20.

An Act respecting the Legal Profession in the Province of Alberta and to establish The Law Society of the Province of Alberta.

(Assented to March 15, 1907.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Legal Profession Act.*" Short title

INCORPORATION OF LAW SOCIETY.

2. There is hereby constituted a body corporate and politic under the name and style of "The Law Society of Alberta" (hereinafter called the society), and by that name the said corporation shall have perpetual succession and a common seal (which it may at pleasure change) and may sue and be sued, contract and be contracted with, and may acquire by gift, purchase or otherwise, and may sell, mortgage, lease or otherwise dispose of real and personal property for the purpose of carrying into effect and of promoting the objects and designs of the said corporation, and the members of the said society and no others shall have a right of audience and be entitled to practise in any court of civil or criminal jurisdiction established by the Legislature of Alberta.

MEMBERSHIP.

3. The members of the society shall be designated and known both by the title of barrister and by that of solicitor. Title of members

4. All the persons who on the coming into force of this Act are enrolled as advocates of the North-West Territories and are resident in the Province of Alberta shall on the coming into force of this Act be the members of the society. First members

5. Any person who on the coming into force of this Act is enrolled as an advocate of the North-West Territories but is not then resident in the Province of Alberta shall be entitled to be enrolled as a member of the society upon filing with the secretary his written request to that effect. Persons entitled to membership

VISITORS OF SOCIETY.

6. The judges of the Supreme Court of Alberta shall be visitors of the society. Visitors

BENCHERS.

Governing
body

Benchers

7. The society shall be governed by a body composed of members of the society to be designated benchers. The benchers shall consist of the persons hereinafter designated as *ex officio* benchers and of members of the society resident in the Province of Alberta, elected as hereinafter provided.

Ex officio
benchers

8. That Attorney General of Canada for the time being and every person who has held that office and is a member of the society, the Attorney General of the Province of Alberta for the time being, and every person who has held that office and is a member of the society, and every person who has held the office of Attorney General of the North-West Territories, and is a member of the society, shall be respectively *ex officio* benchers of the society; but it shall not be necessary that notice of any meeting or other proceeding shall be given to any *ex officio* bencher.

Provisional
benchers

9. Until benchers shall be elected as hereinafter provided the members of the society who immediately before the coming into force of this Act were benchers by election of the Law Society of the North-West Territories and who are resident within the Province of Alberta shall be benchers of the law society of Alberta with all the powers and duties of benchers elected under the provisions of this Act and a majority of them shall form a quorum.

Election of
benchers

Number

10. The elective benchers shall be elected by the members of the society at large in good standing. They shall in the first instance be nine in number. As the number of members shall increase, there shall be elected one additional bencher for each one hundred members beyond two hundred, until the number of elective benchers reaches thirty:

Provided that no regard shall be had to any such increase until the regular election of benchers next after such increase has come into existence.

Time of
election

11. The election of benchers shall be held on the first Monday of November in the year 1907, and on the first Monday in November, every third year thereafter, and the benchers elect shall take office on the 1st day of December following their election.

Eligibility
for election

12. Every member of the society in good standing resident in the Province of Alberta shall be eligible for election as a bencher.

Qualification
to vote

13. Every member of the society in good standing shall be entitled to vote at any election of benchers and may vote for not more than the full number of benchers to be elected thereat.

List of voters

14. At least six weeks prior to the holding of the election the secretary shall make out a list of the names and addresses of the members of the society who are entitled to vote at such election and transmit a copy of such list by post to each member whose name appears thereon and to each clerk and deputy clerk of the Supreme Court of Alberta, and such clerk or deputy clerk shall forthwith on the receipt thereof post such list in a conspicuous place in his office.

15. In case any member complains to the secretary at least one month before the election of the improper omission or insertion of any name on the list it shall be the duty of the secretary forthwith to examine into the complaint and rectify such error if any there be; and in case any person is dissatisfied with the decision of the secretary he may within one week thereafter appeal to the president and the president shall forthwith nominate a committee of the benchers who shall summarily try and decide the questions involved and the list shall remain or be altered in accordance with the decision of the committee. ^{Objections to list}

16. No person whose name does not appear in the said list as amended, if so be, by the committee shall be entitled to vote at such election. ^{List conclusive}

17. In the event of any elector placing more names than the number of benchers to be elected on his voting paper, it shall not be counted. ^{Names on voting paper}

18. At all elections retiring benchers shall be eligible for re-election. ^{Retiring benchers}

19. No person shall be entitled to vote or to be elected unless all fees and other moneys owing by him to the society have been paid before the transmission of the list by the secretary as aforesaid. ^{Nonpayment of fees}

20. The votes of each elector shall be given by closed voting papers in the form A in the schedule to this Act (or to the like effect) being mailed in a sealed envelope prepaid, addressed to the secretary or delivered to him at his office so as to be in his hands on the day of election before the hour prescribed for opening the voting papers. ^{Voting}

21. The said voting papers shall at the hour of eleven o'clock in the forenoon of the day of election be opened by the secretary in the presence of any of the persons entitled to vote who may attend; and the secretary shall then scrutinize and count the votes and keep a record thereof. ^{Opening of voting papers}

22. The members of the society to the number of benchers to be elected receiving respectively the highest number of votes cast, shall be declared by the secretary to be elected benchers. ^{Declaration of result}

23. In case of an equality of votes between two or more persons which leaves the election of one or more of such benchers undecided then the secretary shall forthwith put into a ballot box a number of papers equal to the number of the candidates who have an equality of votes, the said papers each having the name of a candidate written thereon, there being one paper for each candidate. The papers shall be so folded that the name thereon shall be inside and not distinguishable without the papers being opened. The papers shall be mixed together in the box and the secretary shall draw by chance from such ballot box in presence of such persons as may be present one or more of such papers sufficient to make up the required number and the persons whose names are upon such papers so drawn shall be such benchers. ^{Equality of votes}

Publication **24.** The secretary shall forthwith after the election notify the benchers elect of their election and cause the names to be published in *The Alberta Gazette*.

Retention of voting papers **25.** The voting papers relating to any election shall not be destroyed, but along with all other papers in connection with the election be retained by the secretary until all petitions relating to such election have been decided.

Contested election **26.** In the event of any dispute as to the election of all or any of the persons declared by the secretary to have been elected benchers the same may be decided in a summary way by any judge of the Supreme Court of Alberta of the province upon petition presented within ten days from the declaration of the result. The decision of the judge shall be final and the costs of the petition shall be in his discretion. The judge shall in and about such petition have the powers of a judge in chambers upon the hearing of a summons in an action pending in such court.

Falsification of voting paper **27.** No person shall sign the name of any other person to any voting paper under this Act or alter or add to or falsify or fill up any blank in any voting paper signed by another person or deliver or cause to be delivered to the secretary any such false voting paper, or any voting paper which has been added to or falsified or in which any blank has been filled up after the same was signed.

Absence, etc., of secretary **28.** In the event of there being no secretary (for the time being) of the society at the time at which any election under this Act is to be held or in the event of such secretary being unable from illness or other unavoidable cause to act at such election, then and in such case the president for the time being of the society shall appoint under his hand some other person to act as such secretary; and such person so appointed shall perform all the duties of such secretary as prescribed by this Act.

Failure to elect **29.** In case of failure in any instance to elect the requisite number of benchers according to the provisions of this Act or in case of any vacancy caused by the death or resignation of any bencher or by any other cause the remaining or continuing benchers may appoint to the vacant place or places any person or persons duly qualified under the provisions of this Act to be elected bencher or benchers and the person or persons so appointed shall hold office for the residue of the period for which the other benchers have been elected.

Regulations **30.** The benchers may make such regulations as they consider expedient not contrary to the provisions of this Act for regulating the procedure as to election of benchers.

OFFICERS OF SOCIETY.

Officers **31.** The officers of the society shall consist of a president and a vice-president (who in the case of the absence or inability of the president shall act instead of the president), to be chosen

by the benchers from their own number and of a secretary and treasurer, and in the discretion of the society the office of secretary and treasurer may be filled by the same person.

BENCHERS' POWERS.

32. The benchers may from time to time make rules and regulations— Benchers' rules and regulations

1. For the government of the said society and other purposes connected therewith;

2. For regulating and prescribing the qualifications and conditions of admission of persons as students at law and the manner of study, examinations, qualifications and other conditions upon which they may be enrolled as members of the society;

3. Subject to the approval of a majority of the visitors of the society, for fixing the fees payable to the society for admission of students at law and enrollment of barristers and solicitors;

4. Subject as aforesaid, for fixing the fees payable annually by each member of the society and other fees incidental to the society;

5. For the suspension from practice of any member for non-payment of fees due to the society and for the reinstatement of such member upon such terms as the benchers may see fit;

6. For the reporting of legal decisions:

Provided that all rules and regulations of the law society of the North-West Territories in force at the time of the coming into force of this Act shall *mutatis mutandis* constitute the rules and regulations of the society, until and except in so far as they shall be repealed or amended by the benchers.

33. The benchers may suspend from practice or strike off the roll any member of the society who has been convicted of a criminal offence punishable by imprisonment for a term of five years or more upon due proof of such conviction. Disqualification of member

ENROLLMENT OF MEMBERS.

34. The benchers shall enroll as members of the society, with the titles of barrister and solicitor upon their complying with the rules and regulations of the society and showing themselves to be of good character and reputations and upon presentation of the certificate of the clerk of the court referred to in section 35a hereof. 1911-12, c. 4, s. 29. Enrollment of new members

1. Any British subject of the full age of twenty-one years, if he has been admitted to the society as a student-at-law, and his name has been standing on the books thereof as such for a period of five years or for a period of three years if he be a graduate in arts, law, medicine, science or literature of some university in His Majesty's dominions or a graduate of the Royal Military College of Canada: Student of society

Provided—

- (a) That all students-at-law admitted as such to the law society of the North-West Territories and resident in Alberta shall be deemed to be students of the law society of Alberta and shall be entitled to the same status in the latter as in the former;

- (b) That the benchers of the society may permit any person admitted to the society as a student-at-law to serve or spend some stated portion of the term of service hereinbefore provided either in the office of some legal practitioner in some other part of His Majesty's dominions or in attendance at some law school without the Province of Alberta;
- (c) That the benchers of the society may grant to any person who has a status as a student-at-law or articled clerk in any other part of His Majesty's dominions a status in the society not greater than that there held by him;

Extra
provincial
legal prac-
titioners

2. Any person who has been called to the bar of England, Scotland or Ireland or any province of Canada or who is an advocate, writer to the signet, attorney or solicitor in any of His Majesty's Superior Courts therein, and who produces evidences of such status in accordance with the rules and regulations of the society in that behalf:

Provided that if a member of the society would be required to fulfil certain conditions as to examination or residence as conditions precedent to his obtaining the right to practise law in the jurisdiction in which the applicant holds his status, as fully and freely as the applicant would be entitled to practise law in this province upon his admission to the society, the society may impose upon the applicant like conditions precedent to his enrollment as a member of the society. 1909, c. 5, s. 14.

British, colonial
or foreign legal
practitioners

35. The benchers may also subject to such rules and regulations in that behalf as they shall see fit to enact enroll as a member of the society with the titles of barrister and solicitor any person being a British subject of the full age of twenty-one years who is a legal practitioner in any of His Majesty's dominions beyond the seas or in any foreign country. Provided, however, that any person with the titles of barrister, solicitor, or attorney received in any foreign country and who for a period of six years previous to the 1st day of January, 1913, has resided within the Province of Alberta, and during a portion of said time shall have been employed in the office of some member of the Law Society of the Province of Alberta in good standing within the said province and being a British subject, shall have the full status of barrister, solicitor or attorney within the said province, and the Law Society of the Province of Alberta shall enroll such person as a member of such society, upon the payment of the prescribed fees, and shall issue to such person such certificate as may enable him to practise the profession of law within the said province, without his compliance with the other requirements and provisions of the law of this Act or other rules and regulations of the said society in that behalf, any law, custom, or usage to the contrary notwithstanding. 1911-12, c. 4, s. 29; 1913 (1st Session), s. 42.

35a. Every person before being enrolled shall take and subscribe before a judge or judges of the Supreme Court of Alberta, in open court, the following oath of affirmation:

"I,....., do without equivocation, mental evasion or secret reservation, sincerely promise and swear:

1. That I will be faithful and bear true allegiance to His Majesty King George the Fifth (*or reigning sovereign for the time being*)

as lawful sovereign of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas; and that I will defend Him to the utmost of my power against all traitorous conspiracies or attempts whatsoever which may be made against his person, crown and dignity; and that I will do my utmost endeavour to disclose and make known to His Majesty, his heirs or successors, all treasons, traitorous conspiracies or attempts which I may know to be made against him or any of them;

2. That I will, as a barrister and solicitor, conduct all causes and matters faithfully, and to the best of my ability; I will not seek to destroy any man's property; I will not be guilty of champerty or maintenance; I will not promote suits upon frivolous pretences; I will not pervert the law to favour or prejudice any man, but in all things conduct myself truly and with integrity, in fine, the King's interest and my fellow-citizens' I will uphold and maintain according to the law in force in this province."

(2) Any person who has become entitled to be admitted to practice as a barrister and solicitor and has complied with the provisions of this Act and the regulations of the society, shall receive from the secretary a certificate under his hand and the seal of the society directed to a clerk of the Supreme Court.

(3) On presentation to the secretary of the society of a certificate signed and sealed by the clerk of the Supreme Court that the person named therein was on a certain day (naming it) duly sworn in before one or more of the judges of the Supreme Court in open court, the name of such person shall be entered on the roll of barristers and solicitors for the Province of Alberta. 1911-12, c. 4, s. 29.

35b. The books containing the roll of barristers and solicitors Roll of Society for the Province of Alberta shall be and remain in the custody of the society. Such roll shall during office hours be open to the inspection of any person without fee or reward. 1911-12, c. 4, s. 29.

FUNDS OF SOCIETY.

36. All fees, dues and subscriptions payable under the pro- Feesvisions of this Act, or any rule or regulation made in pursuance thereof shall be the property of the society and shall be paid to the treasurer of the society.

37. The funds of the society shall be deposited by the treasurer Banking to the credit of the society in a chartered bank and shall be withdrawn only by cheque signed by the treasurer and countersigned by the president or vice-president of the society or in his absence from the province by one of the benchers.

38. The funds of the society shall be disbursed and appro- Appropriation priated under the direction of the benchers.

39. The benchers may expend such portion of the funds of Libraries the society as are not required for the ordinary purposes thereof in the establishment of or addition to law libraries for the general use of the members at such place or places in the province as they may deem proper.

Borrowing
and
debentures

40. The benchers may pass by-laws from time to time providing for the borrowing of money at a rate of interest not exceeding six per cent. per annum for the purpose of the establishment of or addition to law libraries for the general use of the members of such place or places in the province as they may deem proper; and for the issuing of debentures for the amount proposed to be borrowed with coupons attached for the payment of the instalments of principal and interest payable thereunder:

Provided that debentures issued under this provision shall be made repayable in consecutive annual instalments, either in such manner that an equal amount of the principal together with the total interest on the principal or balance of principal remaining due shall be payable in each year of the period during which the debenture is to run or in such manner that the aggregate amount payable for principal and interest in any year shall be equal (as nearly as may be) to what is payable for principal and interest during each of the other years of such period:

And provided that the period during which the debenture is to run shall not exceed twenty years from the date of the debenture.

Approval of
by-law

41. No by-law passed under the provisions of the next preceding section shall be valid unless and until it shall have been assented to in writing by a majority of the visitors of the society for the time being; and such assent shall be conclusive evidence that all the formalities necessary to the passing of such by-law have been complied with, and that the loan proposed to be made under the authority thereof is one which the society may lawfully make.

Debenture
a charge

42. Every debenture issued under the foregoing provisions shall constitute a specific charge upon all the law libraries owned by the society at the time of the issue thereof or thereafter acquired and upon the gross annual income of the society received from members of the society for annual certificates.

Execution of
debenture

43. Such debentures shall be under the common seal of the society and shall be signed by the president or vice-president and the treasurer of the society.

Purchaser

44. No purchaser of any such debenture shall be bound to inquire as to the application of the money borrowed thereon.

Investment

45. Any municipality may invest by the purchase of any of such debentures any part of the moneys held by it to the credit of sinking fund account which it can lawfully invest by the purchase of Dominion Government securities, school or municipal debentures; and any trustee, executor or administrator may invest by the purchase of any such debentures any part of the moneys in his hands which he can otherwise lawfully invest.

PROHIBITION AND PENALTIES.

Practising
without quali-
fication

46. Unless he be enrolled as a barrister and solicitor and be in good standing as such in the books of the society, according to the society's rules and regulations in force for the time being, no person shall in the Province of Alberta solicit, commence, prosecute, carry on or defend any suit or other proceeding in

any court of civil or criminal jurisdiction established by the Legislature of Alberta, except before any justice of the peace for or on behalf of any person, but this provision shall not apply to a student-at-law, actually and *bona fide* serving in the office of a resident and practising barrister and solicitor and acting in the name and on behalf of such barrister and solicitor, and any person committing a breach of this provision shall be liable on conviction before a justice of the peace to a fine not exceeding \$50 and costs.

47. No member of the society shall wilfully and knowingly act as the professional agent of any person not a member of the society, or suffer his name to be used in any such agency on account of or for the profits of any person not a member of the society or do any act to enable such person to practise in any respect as a member of the society. Acting as agent for unqualified person

48. No person otherwise entitled so to do shall unless he be resident in Alberta be entitled to charge, receive or recover directly or indirectly any moneys by way of counsel fees, solicitor's fees, notarial fees, conveyancer's fees, division of fees, commission, previous or subsequent allowance or deduction or otherwise any moneys for any legal notarial or conveyancing work done or to be done in respect of any action, suit or other proceeding instituted or to be instituted in any court in Alberta or any matter in question in any such proceeding or in respect of any land or any moneys advanced or proposed to be advanced upon any land situate in Alberta and any moneys so charged, received or recovered whether paid voluntarily or not may be recovered back by the party against or from whom the same was charged, received or recovered: Nonresident practising

Provided this section shall not apply to members of the Law Society of the Province of Alberta resident in the Province of Saskatchewan. (*Note.*—The proviso comes into force on proclamation only). 1908, c. 20, s. 29; 1908, c. 20, s. 32. Proclaimed January 8, 1909, *The Alberta Gazette*, Vol. 5, No. 2.

49. Any person who wilfully or falsely pretends or holds himself out to be a barrister or solicitor of the Province of Alberta, or takes, assumes or uses any name, title, addition or description other than such as he actually possesses and is legally entitled to, or implying or calculated to lead people to infer that he is a barrister or solicitor, or that he is recognized by law as a barrister or solicitor or lawyer qualified and entitled to practise or do business as such within the province or in any way publishes or advertises himself as such shall be guilty of an offence, and on summary conviction thereof shall be liable to a penalty not exceeding \$100. False pretence of qualification

50. In any prosecution under this Act the burden of proof of enrollment shall be upon the person accused. Burden of proof

DISCIPLINARY.

51. All barristers and solicitors shall be officers of the Supreme Court of Alberta; and the said court and any judge thereof shall possess and may exercise the same powers and jurisdiction Disciplinary power of court

over and in respect of such barristers and solicitors as was possessed by the Supreme Court of Judicature in England, or a judge thereof, over and in respect of solicitors of the said last mentioned court prior to the passing of *The Solicitors Act, 1888* (Imperial).

Mode of
proceeding

52. If upon application to a judge at the instance of the benchers or any person concerned and supported by affidavit it shall *prima facie* appear that a member of the society has been guilty of professional misconduct or of conduct unbecoming a barrister or solicitor or has made default in payment of moneys received by him as barrister or solicitor or has been guilty of such misconduct as would in England have been sufficient to bring a solicitor under the punitive powers of the Supreme Court of Judicature or has been guilty of any breach of the provisions of this Act or of any rules and regulations of the society passed under the provisions hereof, the judge shall by summons call upon such member to answer the facts, and upon the return of the summons hear the complainant and member and any evidence adduced by them, which may be by affidavit or *viva voce*, or both as the judge may direct; and if the judge finds the complaint well founded he may direct that such member be suspended and disqualified from practising as such until the end of the then next sittings of the court *en banc*; and in the event of making such order shall report the evidence and proceedings on such application, and his judgment thereon to the court *en banc* at such sittings and the court *en banc* shall thereupon consider such evidence and proceedings and may hear the parties or their counsel in the same manner as if such application had originally been made to the court *en banc* and may order that the name of such member be struck off the roll, or may suspend such member from practising for such period as may be considered proper:

Provided that the judge instead of directing the suspension and disqualification to practise of such member as aforesaid may refer the matter to be dealt with by the court *en banc* at its next sittings.

Notice may
be directed

53. In case either a report or reference is made to the court *en banc* under the preceding section or in case an application is made to the court *en banc* to strike a member off the roll or to suspend from practising, such court or a judge (before such report, reference or application to strike off is heard or dealt with) may order that notice of the proceedings be given by the applicant to the secretary of the society and to such other person or persons as the court or judge may think proper; and the person or persons so notified may appear in person or by counsel on such application.

Suspension
or striking
off roll

54. Whenever any member is struck off the roll of barristers and solicitors or suspended from practising, the registrar of the Supreme Court of Alberta or the clerk of the court (if the suspension is by a single judge) shall certify the same under his hand and the seal of the court to the secretary of the society who shall file such certificate and shall make a note opposite the name of such person on the said roll of his having been struck off the same or suspended (as the case may be) and in case of suspension of the time of such suspension.

55. Upon a barister and solicitor being struck off the roll ^{Notice of decision} either by the court or a judge or by the benchers, all his rights and privileges as a barrister or solicitor shall cease and determine, or in case he is suspended he shall during the period of his suspension possess no rights or privileges as a barrister or solicitor, and notice of his being struck off the roll or suspended shall forthwith be given by the secretary to the judges of the Supreme Court of Alberta.

56. The Supreme Court of Alberta *en banc* may on application ^{Reinstatement} made for that purpose, and when in the opinion of such court the subsequent conduct of the applicant, and the facts warrant it, order the name of any person struck off the roll to be restored thereto upon such terms as to the payment of money or otherwise as the court may direct; and in such case the registrar shall certify the same under his hand and the seal of the court to the secretary of the society, who shall file such certificate and make a note opposite the name of such person on the said roll of his having been restored thereto.

(2) Notice of such application shall be given to the secretary of the society and such other person or persons as the courts or a judge on *ex parte* application may direct, and the person so notified may in person or by counsel appear and oppose or consent to such application:

Provided that before being entitled to be restored to the roll hereunder such person whose name is sought to be restored shall pay all arrears of fees due by him to the society, including the fees for the period which has elapsed since he was struck off the roll.

57. Whenever any student-at-law of the society shall be found by the benchers after due inquiry to have been either ^{Striking off name of student} before or after the coming into force of this Act guilty of professional misconduct or conduct unbecoming a student-at-law, or of having contravened any of the provisions either of this Act, it shall be lawful for the benchers to strike the name of such student from the books of the society; but any decision of the benchers to so strike off the name of any student shall be subject to appeal to a judge of the Supreme Court of Alberta.

58. The benchers may institute or authorize the institution ^{Institution of proceedings} of any proceedings under this Act for any breach of its provisions.

59. Notwithstanding any law or usage to the contrary, a ^{Right to recover fees} member of the society shall be at liberty and be entitled to sue for fees due to him at any time after the services are rendered or performed for which such fees are chargeable, without the formal rendering of a detailed bill therefor prior to the commencement of the action:

Provided that if any such action be commenced before the bill in respect of which the action is brought has been rendered judgment by default shall not be entered except pursuant to the order of a judge and such order may direct the taxation of the bill and the costs of the action order and taxation shall be in the discretion of the judge.

Taxation of
bill on applica-
tion within
month

60. Upon the application of the party chargeable by such bill within one month after the same signed by the claimant shall have been rendered to the party chargeable the Supreme Court of Alberta or a judge thereof shall (without money being brought into court) refer the bill and the demand thereon to be taxed by the proper officer of the court for the judicial district in which any of the business charged for in the bill was done and the court or judge making such reference shall restrain the bringing any action for such demand pending the reference.

Taxation after
month elapsed

61. In case no application is made within such month then the court or judge upon the application of either party may order a reference with such directions and conditions as he may deem proper; and may upon such terms as may be thought just restrain any action for such demand pending the reference.

Taxation after
judgment or
twelve months

62. No such reference shall be directed upon application made by the party chargeable with such bill after a judgment has been obtained or after twelve months from the time such bill was delivered, sent or left as aforesaid except under special circumstances to be proved to the satisfaction of the court or judge whom the application for the reference is made.

Proceedings
on reference

63. In case either party to such reference having due notice refuses or neglects to attend the taxation the officer to whom the reference is made may tax the bill *ex parte*; and in case the reference is made upon the application of either party and the party chargeable with the bill attends the taxation the costs of the reference shall, except as hereinafter provided for, be paid according to the event of the taxation, that is to say, if a sixth part is taxed off the costs shall be paid by the party by whom or on whose behalf such bill was delivered and if less than a sixth part is taxed off then by the party chargeable with such bill if he applied for or attended the taxation.

Costs

64. Every order for such reference shall direct the officer to whom the reference is made to tax the costs of the reference and to certify what upon the reference he finds to be due to or from either party in respect of such bill and of the costs of the reference if payable.

Special
certificate

65. Such officer may certify specially any circumstances relating to the bill or taxation and the court or judge may thereupon make such order as may be deemed right respecting the payment of the costs of taxation.

Special
directions

66. In any case the court or judge may give any special direction or make any special order relative to the costs of the reference and taxation.

Order for
delivery
of bill

67. Where no bill has been rendered and where the bill if rendered might have been referred as aforesaid, the Supreme Court of Alberta or a judge thereof may order the delivery of a bill and may also order the delivery up of deeds of papers in the possession, custody or power of the barrister and solicitor,

his assignee, or representatives in the same manner as has heretofore been done in cases where any such business had been transacted in the said court.

68. In proving a compliance with this Act it shall not be necessary in the first instance to prove the contents of the bill rendered, but it shall be sufficient to prove that a bill of fees, charges and disbursements signed in the manner aforesaid was rendered by being delivered personally or mailed to the proper address of the party to be charged, but the other party may show that the bill so rendered was not such a bill as constituted a *bona fide* compliance with this Act. Contents of bill

69. Where any person not being chargeable as the principal party is liable to pay or had paid any bill either to the barrister and solicitor, his assignee or representative or to the principal party chargeable therewith, the person so paying, his assignee or representative may make the like application for a reference thereof to taxation as the party chargeable therewith might himself have made and in like manner; and the same proceedings shall be had thereupon as if the application had been made by the party so chargeable. Party liable to pay

70. In case such application is made whereunder the provisions hereinbefore contained a reference is not authorized to be made except under special circumstances, the court or judge to whom the application is made may take into consideration any additional special circumstances applicable to the person making it, although such circumstances might not be applicable to the party chargeable with the bill if he was the party making the application. Special circumstances

71. For the purpose of such reference upon the application of the person not being the party chargeable or of a party interested as aforesaid, the court or judge may order the barrister and solicitor, his assignee or representative to deliver to the party making the application a copy of the bill on payment of the costs of the copy. Delivery of copy of bill

72. No bill previously taxed shall be again referred unless under the special circumstances of the case the court or judge to whom application is made thinks fit to direct a retaxation thereof. Retaxation

73. The payment of any such bill as aforesaid shall in no case preclude the court or judge to whom application is made from referring such bill for taxation if the application is made within twelve months after payment, and if special circumstances in the case in the opinion of the court or judge appear to require the same, upon such terms and subject to such directions as to the court or judge seem right. Taxation after payment

74. All applications made to refer any bill to be taxed for the delivery of a bill or for the delivering up of deeds, documents and papers, shall be made "In the matter of (such barrister and solicitor); and upon the taxation of any such bill the certificate of the officer by whom the bill is taxed shall unless set aside Intituling proceedings

or altered by order of a judge or by decree or order of court be final and conclusive as to the amount thereof; and payment of the amount certified to be due and directed to be paid may be enforced according to the practice of the said court.

Proclamation

75. This Act shall come into force on proclamation of the Lieutenant Governor in Council.

PROCLAMATION.

Edmonton, Sept. 16, 1907.

That on, from and after the 16th day of September, 1907, the above mentioned Act shall come into force and take effect. (See *Alberta Gazette Extra*, Sept. 16, 1907, Vol. 3, No. 17.)

SCHEDULE.

FORM A.
VOTING PAPER.**LAW SOCIETY OF ALBERTA.**

Election of Benchers, 1.....

I,.....of.....
in the Province of Alberta, barrister and solicitor, do hereby declare:

1. That the signature hereto is my proper handwriting;
2. That I now reside at.....
3. That I vote for the following persons as benchers of the law society:

<i>A.B.</i> ,.....	of the.....
<i>C.D.</i> ,.....	of the.....
<i>E.F.</i> ,.....	of the.....
<i>G.H.</i> ,.....	of the.....
<i>I.J.</i> ,.....	of the.....
<i>K.L.</i> ,.....	of the.....
<i>M.N.</i> ,.....	of the.....
<i>O.P.</i> ,.....	of the.....
<i>Q.R.</i> ,.....	of the.....
<i>& S.</i> ,.....	of the.....
4. That I have signed no other voting paper at this election;
5. That this voting paper was executed on the day of the date thereof.

Witness my hand this.....day of.....
A.D. 19.....

1907

CHAPTER 21.

An Act respecting King's Counsel and Precedence at the Bar.

(Assented to March 15, 1907.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. It shall be lawful for the Lieutenant Governor in Council by letters patent under the great seal of the province to appoint from among the members of the bar of Alberta such persons as he may deem right, to be, during pleasure, provincial officers under the names of His Majesty's counsel, learned in the law, for the Province of Alberta.

2. No person shall be appointed to such an office who has not been entitled during ten years to practise in the Superior Court of the United Kingdom of Great Britain and Ireland or of any province of Canada or of the North-West Territories or for a portion of such period in one, and for the remaining portion of such period in the other or others of the said courts.

3. The following members of the bar of this province shall have precedence in the courts of the province in the following order:

1. The Minister of Justice for Canada for the time being;
2. The Attorney General for Alberta for the time being;
3. The Solicitor General for Canada for the time being;
4. The members of the bar of this province who have filled the office of Attorney General for Canada or Attorney General for the province, according to seniority of appointment as such Attorney General;
5. The members of the bar of this province, who have filled the office of Solicitor General for Canada;
6. The members of the bar of this province who were before the first day of September in the year of our Lord one thousand nine hundred and five appointed His Majesty's counsel, learned in the law, by the Governor General in Council, so long as they are such counsel according to seniority of appointment as such counsel.

4. The Lieutenant Governor in Council, by letters patent under the great seal of the province, may grant to any member of the bar of Alberta a patent of precedence in the courts of the province.

5. Members of the bar of Alberta from time to time appointed by the Lieutenant Governor in Council to be His Majesty's

counsel, learned in the law, for the province or to whom from time to time patents of precedence are granted shall severally have such precedence in the courts of the province as is assigned to them by letters patent issued by the Lieutenant Governor in Council under the great seal.

6. The remaining members of the bar of Alberta shall, as between themselves, have precedence in the said courts of the province in the order of their call to the bar of this province.

7. No person to whom a patent has been issued under the provisions of this Act to be one of His Majesty's counsel, learned in the law, shall while he holds such patent appear in any of the courts of the province as counsel for any party litigating with the Crown, or as counsel for any defendant in any prosecution for an offence against any Act of the Parliament of Canada or of the Legislative of Alberta, or against any Ordinance of the North-West Territories in force in the province, unless and until he has obtained a license from His Majesty in the right of the province to act as such counsel, which license may be granted by the Attorney General as representing the Crown.

8. Nothing in this Act contained shall in any wise affect or alter any rights of precedence which might appertain to any member of the bar of Alberta when acting as counsel for His Majesty or any Attorney General of His Majesty in any matter depending in the name of His Majesty or the Attorney General before the said courts, but such rights and precedence shall remain as if this Act had not been passed.

9. This Act shall come into force upon the proclamation thereof by the Lieutenant Governor in Council.

PROCLAMATION.

Edmonton, Tuesday, April 30, 1907.

On, from and after the 2nd day of April, 1907, the above mentioned Act shall come into force and take effect. (See *Alberta Gazette*, Vol. 3, No. 8, page 1.)

1907

CHAPTER 22.

An Act to amend Chapter 38 of The Consolidated Ordinances of the North-West Territories, 1898, intituled "An Ordinance respecting the Holding of Lands in Trust for Religious Societies and Congregations."

(Consolidated in C.O. 1915, c. 38.)

1907

CHAPTER 23.

An Act to incorporate the Historical Society of Alberta.

(Assented to March 15, 1907.)

WHEREAS the persons hereinafter named and others have associated themselves together and have formed a society under the name of "The Historical Society of Alberta";

And whereas the said persons have prayed to be incorporated under the name of "The Historical Society of Alberta" and it is expedient to grant their prayer;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. His Honour George H. V. Bulyea, Hon. Frank Oliver, Hon. A. C. Rutherford, Hon. W. H. Cushing, Hon. C. W. Cross, Hon. W. T. Finlay, John A. McDougall, H. B. Round, R. H. Alexander, George Roy, William Short, Hon. A. L. Sifton, Hon. D. L. Scott, Hon. Horace Harvey, Hon. Chas. A. Stuart, Hon. C. W. Fisher, W. F. Bredin, A. S. de Rosenroll, John R. Boyle, John T. Moore, E. H. Riley, T. Allen Brick, T. W. Telford, Malcolm McKenzie, J. B. Holden, John R. McLeod, W. C. Simmons, C. Hiebert, John A. Simpson, J. B. Walker, A. J. Robertson, H. W. McKenney, John A. McPherson, J. P. Marcellus, W. F. Puffer, J. W. Woolf, F. A. Walker, J. R. Cowell, A. G. Harrison, George Harcourt, W. A. Griesbach, N. D. Beck, George J. Kinnaird, F. T. Fisher, E. B. Edwards, St. George Jellett, George A. Reid, Louis Madore, William Pearce, Rev. J. C. Herdman, John F. Boyce, George A. Ings, Rev. John McDougall, D.D., James Bannerman, Rev. Leo. Gaetz, Sage M. Bannerman, William Cousins, C. A. Magrath, R. L. Nasmith, C. F. P. Conybeare, F. W. G. Haultain, Richard B. Bennett, Dr. R. G. Brett, Howard Douglas, William Whyte, J. S. Dennis, Leverett G. De Veber, Richard A. Wallace, John Herron, James D. Lafferty, A. B. Watt, A. A. Nicholls, Lawrence Adamson, Alex. Taylor, J. McCaig, J. W. Wallbridge, K. W. McKenzie, T. M. Turnbull, D. W. McDonald, A. M. Calderon, W. S. Robertson, P. E. Lessard, H. A. MacKie, E. C. Pardee, John R. McIntosh, A. F. Ewing, Ernest Brown and John S. Hall, and all other persons who are now and who shall from time to time be and become members of said society are hereby declared to be a body corporate and politic under the name of "*The Historical Society of Alberta*" and by that name shall have perpetual succession and a common seal and may sue and be sued, plead and be impleaded, in all courts whatsoever and may purchase, receive by request or donation, and hold property real and personal for the use of the society and for more effectually carrying out its objects and may grant, sell, lease, mortgage or dispose of such property.

2. The object of the society shall be to encourage the study of the history of Alberta and Canada, to rescue from oblivion the memories of the original inhabitants, the early missionaries, fur traders, explorers, and settlers of the north and west of Canada, to obtain and preserve narratives in print, manuscript or otherwise of their travels, adventures, labours and observations, to secure and preserve minerals, archaeological curiosities and objects generally illustrative of the civil, religious, literary and natural history of the country and to establish a museum and library.

3. The society or a council or committee elected by it shall have power from time to time to make by-laws, rules and regulations for the government of the society not inconsistent with this Act.

4. The annual meeting of the society shall be held in every year during the month of February for the election of officers notice of the time and place of such meeting to be given by the secretary to each of the members by letter addressed to his or her last known place of abode at least twenty days before the date of such meeting and at such annual meeting members shall be entitled to vote for the election of officers by proxy.

5. The present officers of the society shall be deemed to be the officers of the society until their successors are elected.

(NOTE—Chapters 24 to 49 inclusive, of 1907, are Private Acts.)

1908

CHAPTER 1.

An Act for granting to His Majesty Certain Sums of Money for the Civil Service for the Financial Year ending the Thirty-first day of December, 1908.

(Assented to March 5, 1908.)

Most Gracious Sovereign:

WHEREAS it appears by Message from His Honour George Hedley Vicars Bulyea, the Lieutenant Governor of the Province of Alberta, and the Estimates accompanying the said Message, that the sums hereinafter mentioned are required to defray certain expenses of the Civil Service of this province not otherwise provided for during the financial year ending the thirty-first day of December, one thousand nine hundred and eight, and for other purposes relating thereto: May it therefore please Your Majesty that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, as follows:

1. This Act may be cited as "*The Appropriation Act, 1908.*"

2. From and out of the General Revenue Fund there may be paid and applied a sum not exceeding in the whole two million six hundred and two thousand seven hundred and ten dollars and fifty-six cents (\$2,602,710.56) towards defraying the several charges and expenses of the Civil Service of the Province for the financial year ending the thirty-first day of December, in the year of Our Lord one thousand nine hundred and eight, not otherwise provided for and set forth in schedule A to this Act, and also for the other purposes in the said schedule mentioned.

And the sum of one million two hundred thousand dollars (\$1,200,000.00) to provide for expenditure in connection with construction, operation, maintenance, acquiring telephone lines and exchanges for the financial year ending the thirty-first day of December, in the year of Our Lord one thousand nine hundred and eight and also to provide for the reimbursement of the General Revenue Fund for moneys already expended.

And the sum of four hundred thousand dollars for the expenses of legislation, maintenance of public institutions, salaries of officers of the Government and Civil Service from the first day of January, one thousand nine hundred and nine, up to and until the final passage of the Estimates of Expenditure for the financial year one thousand nine hundred and nine, as set forth in schedule B.

3. The due application of all moneys expended under this Act shall be accounted for.

SCHEDULE A.

I.

CIVIL GOVERNMENT—

Lieutenant Governor's Office.....	\$ 2,700.00
Executive Council.....	47,700.00
Attorney General's Department.....	19,640.00
Provincial Secretary's Department.....	5,320.00
Treasury Department.....	11,880.00
Provincial Auditor's Office.....	10,450.00
Public Works Department.....	51,460.00
Education Department.....	17,200.00
Agriculture Department.....	25,715.00
	<u>\$ 192,065.00</u>

II.

LEGISLATION.....	37,700.00
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III.

ADMINISTRATION OF JUSTICE.....	366,920.00
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IV.

PUBLIC WORKS OTHER THAN TELEPHONE ACCOUNT.....	1,110,500.00
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IVa.

To provide for expenditure in connection with construction, operation, maintenance, acquiring telephone lines and exchanges and reimbursement to general revenue account for moneys already expended.....	1,200,000.00
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V.

EDUCATION.....	270,900.00
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VI.

AGRICULTURE AND STATISTICS.....	470,675.56
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VII.

HOSPITALS, CHARITIES AND PUBLIC HEALTH.....	51,750.00
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VIII.

MISCELLANEOUS.....	102,200.00
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Total.....\$3,802,710.56

SCHEDULE B.

Sum granted to His Majesty by the Act for the year one thousand nine hundred and nine and the purpose for which it is granted.

To defray the expenses of legislation, maintenance of public institutions, salaries of the officers of the Government and Civil Service from January 1, 1909, up to and until the final passage of the Estimates of Expenditure for the financial year, 1909..... \$400,000.00

1908

CHAPTER 2.

An Act respecting Inquiries Concerning Public Matters.

(Assented to March 5, 1908.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council may, when he deems ^{Commissions of inquiry} it expedient to cause inquiry to be made into and concerning any matter within the jurisdiction of the Legislative Assembly and connected with the good government of the province or the conduct of the public business thereof, appoint commissioners to make such inquiry and to report thereon.

2. The Lieutenant Governor in Council may by the commission ^{Powers of commissioners} by which he appoints them confer upon the commissioners the power of summoning witnesses before them and of requiring such witnesses to give evidence on oath, orally or in writing or on solemn affirmation (if there are persons entitled to affirm in civil matters) and to produce such documents and things as the commissioners may deem requisite to the full investigation of the matters into which they are appointed to inquire; and the commissioners shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of record in civil cases.

1908

CHAPTER 3.

An Act respecting the Remission of Certain Penalties.

(Assented to March 5, 1908.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Lieutenant
Governor in
Council may
remit penalties

1. The Lieutenant Governor in Council shall have power at any time to remit any pecuniary penalty or forfeiture imposed by any Ordinance of the North-West Territories, or by any Act of the Legislature of the Province of Alberta, in whole or in part, unless the same is imposed by "*An Ordinance respecting the Legislative Assembly of the Territories*" or by some Ordinance or Act respecting elections of members of the Legislative Assembly, or is recoverable in respect of an offence committed in connection with an election of a member of the said Assembly.

Statement to
be submitted
to Legislative
Assembly

2. A detailed statement of all remissions made under the authority of the last preceding section shall be submitted to the Legislative Assembly within the first fifteen days of the next ensuing session thereof.

1908

CHAPTER 4.

An Act respecting Constables.

(Repealed—1909, c. 7, s. 13.)

1908

CHAPTER 5.

An Act respecting Partnerships.

(See also c. 94 C.O.)

(Assented to March 5, 1908.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

REGISTRATION OF CO-PARTNERSHIPS.

1. All persons associated in partnership for trading, manufacturing, contracting or mining purposes in the province shall cause to be filed in the office of the registration clerk of the registration district for registration of chattel mortgages and other transfers of personal property in the province, in which they carry on or intend to carry on business, a declaration in writing, signed by the several members of such partnership:

Declarations
of partnerships
to be filed in
certain cases

Provided, however, that if any of the said members be absent from the place where they carry on or intend to carry on business at the time of making such declaration, then such declaration shall be signed by the members present, in their own names and also for their absent co-members, under their special authority to that effect; such special authority to be at the same time filed with the said registration clerk and annexed to such declaration.

Where parties
absent

2. Such declaration shall be in the form A in the schedule to this Act, and shall contain the names, surnames, additions and residences of each and every partner or associate as aforesaid, and the name, style or firm under which they carry on or intend to carry on such business, and stating also the time during which the partnership has existed and is to exist, also declaring that the persons therein named are the only members of such co-partnership or association.

Contents of
declaration

3. Such declaration shall be filed within six months next after the formation of any such partnership, or in the case of partnerships existing at the commencement of this Act and not already registered under the provisions of the law heretofore in force in that regard, within six months after the commencement of this Act; or at any time upon the fiat of a judge of the Supreme Court or of the District Court of the district where such partnership carries on business, and a similar declaration shall in like manner be filed when and so often as any change or alteration of partnership takes place in the membership of such partnership, or in the name, style or firm under which they intend to carry on business or in the place of residence of each member of said firm, and every new declaration shall state the alteration in the partnership.

Time for filing
declaration

Changes
in firm

PERSON USING TRADE NAME. REGISTRATION.

Individual
using trade
name

4. Every person engaged in business for trading, manufacturing, contracting or mining purposes, and who is not associated in partnership with any other person or persons, but who uses as his business style some name or designation other than his own, or who in such business uses his own name with the addition of "and company" or some other word or phrase indicating a plurality of members in the firm, shall cause to be filed, as aforesaid, a declaration of the fact in writing, signed by such person.

Contents of
individual
declaration

5. The declaration last aforesaid shall contain the name, surname, addition and residence of the person making the same, and the name, style or firm under which he carries on or intends to carry on business, and shall also state that no other person is associated with him in partnership, and the same shall be filed within six months of the time when such style is first used, or, in the case of persons so engaged in business at the date of the commencement of this Act so using words indicating a plurality of members in the firm and who have not complied with the requirements of the law heretofore in force in that regard, within six months after the commencement of this Act; or at any time upon the fiat of a judge of the Supreme Court or of the District Court of the district where such person carries on business.

REGISTRATION BOOKS.

Registration
books

6. It shall be the duty of the registration clerk aforesaid to keep two alphabetical index books of all declarations of co-partnership filed in his office, in pursuance of the provisions hereof.

Firm index
books

7. In one of such books, hereinafter called the "firm index book," the registration clerk shall enter in alphabetical order the style of the respective firms in respect of which declarations have been filed in his office, and shall place opposite each entry the names of the person or persons composing such firm, and the date of the receipt by him of the declaration in the manner shown in form B in the schedule to this Act.

Individual
index books

8. In the second of such books, hereinafter called the "individual index book," the said registration clerk shall enter in alphabetical order the names of the respective members of each of such firms, and shall place opposite such entry the style of the firm of which such person is a member, and the date of the receipt of the declaration in the manner shown in form C in the schedule to this Act.

PENALTY FOR NONREGISTRATION.

Failure to
comply
with Act

Penalty

9. Each and every member of any partnership or other persons required to register a declaration under the provisions of this Act, who fails to comply with the requirements aforesaid, shall forfeit the sum of one hundred dollars to be recovered before any court of competent jurisdiction by any person suing as well on his own behalf as on behalf of His Majesty; and half of such penalty shall belong to the general revenue fund of the province, and the other half to the party suing for the same, unless the

suit be brought as it may be by the Attorney General on behalf of His Majesty only, in which case the whole of the penalty shall belong to the province aforesaid.

9a. Any action or other proceeding instituted in any court in the province by any unregistered partnership or by any other person required to file a declaration under the provisions of this Act who fails to comply with the requirements aforesaid may be stayed on application of the defendant or party opposite in interest until such partnership becomes registered, or until such declaration is so filed.

EFFECT OF DECLARATION.

10. The allegations made in the declaration aforesaid cannot be controverted by any person who has signed the same, nor can they be controverted as against any party not being a partner by a person who has not signed the same, but who was really a member of the partnership therein mentioned at the time such declaration was made. Binding effect of declaration

11. Until a new declaration is made and filed by him or by his co-partners or any of them as aforesaid, no such signer shall be deemed to have ceased to be a partner; but nothing herein contained shall exempt from liability any person who being a partner, fails to declare the same, as already provided, and such person may, notwithstanding such omission, be sued jointly with the partners mentioned in the declaration, or they may be sued alone, and if judgment is recovered against them any other partner or partners may be sued jointly or severally in an action on the original cause of action upon which such judgment was rendered; nor shall anything in this Act be construed to affect the rights of any partners with regard to each other, except that no such declaration as aforesaid shall be controverted by any signer thereof. Liability of persons signing declaration
Failure to declare does not exempt from liability
Partner's rights inter se

DECLARATION OF DISSOLUTION.

12. Upon the dissolution of any partnership any or all of the persons who compose such partnership may sign and file a declaration certifying the dissolution of the partnership in the form D in the schedule to this Act. Declaration of dissolution

REGISTRATION FEES.

13. The said registration clerk shall be entitled for filing a declaration under this Act to a fee of fifty cents, and for searches made in each of such books the following fees and no more: Fees
For searching in the firm index book, each firm.....10 cents
For searching in the individual index book, each name...10 cents
For each certificate, when required.....25 cents

SCHEDULE.

FORM A.

DECLARATION OF Co-PARTNERSHIP.

PROVINCE OF ALBERTA: } We,
of in (occupation)
hereby certify:
1. That we have carried on and intend to carry on trade and business as
..... at
in partnership under the name and firm of
or
I (or we), the undersigned, of in hereby
certify:
1. That I (or we) have carried on and intend to carry on trade and business
as at
in partnership with of
and of
(as the case may be).
2. That the said partnership has subsisted since the
day of one thousand
3. And that we (or I, or we) and the said
of and
of are and have been since the said day the only
members of the said partnership.
Witness our hands at this
day of one thousand

FORM B.

FIRM INDEX BOOK.

Style of firm	Names of persons composing the firm and their residences	Date of filing declaration
John Smith & Co.....	John Smith, Edmonton.....	Sept. 15, 1908
James Abbott & Son.....	Edward Ives, Wetaskiwin.....	Sept. 10, 1908
Bernard & Johnson.....	James Abbott, Calgary.....	March 1, 1908
	George Abbott, Calgary.....	
	Arthur Bernard, Macleod.....	
	Alexander Johnson, Macleod...	

FORM C.

INDIVIDUAL INDEX BOOK.

Name of individual and residence	Style of firm of which a member	Date of filing declaration
Abbott, James, Calgary....	James Abbott & Son.....	Sept. 10, 1908
Abbott, George, Calgary....	James Abbott & Son.....	Sept. 10, 1908
Bernard, Arthur, Macleod..	Bernard & Johnson.....	March 1, 1908
Johnson, Alex., Macleod...	Bernard & Johnson.....	March 1, 1908

FORM D.

DECLARATION OF DISSOLUTION OF PARTNERSHIP.

PROVINCE OF ALBERTA: } I,
 }
 formerly a member of the firm of carrying on
 business as at
 in the of under the style of
 do hereby certify that the said partnership
 was, on the day of dissolved.
 Witness my hand at the
 day of one thousand
 A.B.

1908

CHAPTER 6.

An Act respecting The Imperial Debtors' Act of 1869.

(Assented to March 5, 1908.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

*Imperial
Debtors' Act
not to be in
force in the
province*

1. The Act of the Parliament of Great Britain and Ireland, known as *The Debtors' Act*, 1869, and being chapter 62 of 32 and 33 Victoria, shall not be in force or effect in the Province of Alberta from and after the date of the coming into force of this Act.

*Existing
proceedings
not affected*

2. Nothing herein contained shall be taken to imply or to mean that the said *Debtors' Act* has been in force in the province, prior to the date of the coming into force of this Act; nor shall the passage of this Act in any way affect any proceedings already taken or orders made, if any, under and by virtue of the said *Debtors' Act*, but notwithstanding anything herein contained such proceedings, if any, or any other necessary proceedings under the said *Debtors' Act*, that may be required to complete, alter or discharge any such proceedings had, or orders, made prior to the coming into force of this Act, may be had and taken as though this Act had not been passed.

And nothing herein contained shall be deemed to have brought into force within the province the law of England as to arrest or imprisonment for making default in payment of a sum of money as the same existed either immediately prior to the passing of the said *Imperial Debtors' Act* of 1869, or in the year 1670; and it is hereby declared that the said law of England as to arrest or imprisonment for making default in payment of a sum of money as the same existed at either of the dates mentioned is not in force in the province. 1909, c. 4, s. 20.

1908

CHAPTER 7.

An Act respecting the Enforcement of Judges' Orders in Matters not in Court.

(Assented to March 5, 1908.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. Where jurisdiction has been or shall be given by any Act or Ordinance to a judge as *persona designata*, he shall be deemed to have jurisdiction therein as a judge of the court to which he belongs, and he is to have the same jurisdiction for enforcing his orders and judgments and as to proceedings generally, and as to costs and otherwise, as in matters under his ordinary jurisdiction as a judge of the court in which he is such judge, so far as a different mode is not directed by the Statute or Ordinance giving him the jurisdiction aforesaid. Enforcing orders of judge made under special statutory authority

2. Every order of a judge of the Supreme Court made under statutory authority as aforesaid may be filed in the office of the clerk of the court for the judicial district in which the matter is heard, and every order of a judge of a District Court made under said statutory authority may be filed with the clerk of such court, and upon an order being so filed the same shall become and be an order of the Supreme Court or of the District Court as the case may be, and may be enforced in the same manner and by the like process as if the order had been made by either of the said courts respectively. Filing orders

3. There shall be payable at the time of filing such order the like fees as would be payable upon the issue of an order made by a judge of the Supreme Court or District Court, as the case may be, in the exercise of his ordinary jurisdiction. Fees on filing

4. Every order so filed shall be entered in the same manner as a judgment of the court in which the order is so filed. Entry of orders

5. The costs of every proceeding before a judge of the Supreme Court or of a District Court under this Act shall be in the discretion of such judge. Costs to be in discretion of judge

6. There shall be no appeal from the judgment order or decision of a judge made as aforesaid unless an appeal is expressly authorized by the Statute giving the jurisdiction, or unless special leave is granted by the said judge or by a judge of the Supreme Court. No appeal except when expressly authorized
1910 (2nd Session), c. 2, s. 21.

1908

CHAPTER 8.

An Act to Provide for the Garnishment of the Salaries of Civil Servants.

(Assented to March 5, 1908.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Interpretation

1. The word "employee" when used in this Act shall for the purposes of this Act mean any officer, clerk or messenger or other employee of the Government of the province paid by salary, but shall not include a person engaged in manual labour.

Creditor may garnish money owing by Crown to civil servant

2. Where a debt or money demand not being strictly a claim for damages is due and owing to any party from an employee, either on a judgment or otherwise, and a debt is due and owing to such employee from the Crown, the party to whom the first mentioned debt or money demand is so due and owing (hereinafter designated the creditor) may recover in the manner herein provided any debt due or owing to the employee from the Crown, or sufficient thereof to satisfy the claim of the creditor subject always to the rights of other parties to the debts owing from the Crown.

May serve notice on Provincial Treasurer

3. The creditor may serve a notice personally on the Treasurer of the province or on the deputy treasurer, or on some officer appointed by the Treasurer to receive the same, specifying the nature of the claim, and showing the name and residence of the employee and the nature of his occupation in the service of the Crown; and the service of such notice upon the Treasurer or deputy treasurer shall have the effect subject to the rights of other parties of attaching and binding in the hands of the Treasurer all debts then owing from the Crown to the employee, or sufficient thereof to satisfy the claim of the creditor, to the same extent as a garnishing or attaching order issued by or from a court of law.

Treasurer to retain money due

4. After service of a notice as hereinbefore provided, the Treasurer shall when the creditor's claim is a judgment retain all moneys then owing from the Crown to the employee, or sufficient thereof to satisfy the judgment, and a payment into court or to the creditor, or where an execution is in the hands of the sheriff or bailiff, then to the sheriff or bailiff, of the amount due to the employee, or of the amount due and costs unsatisfied on the judgment shall be a discharge to that extent of the debt owing from the Crown to the employee.

5. Where judgment has not been recovered for the claim, ^{Dispute notice} the creditor besides serving a notice on the Treasurer or deputy treasurer, as in section 3 is provided, shall also serve a copy of such notice on the employee together with a memorandum requiring the employee if he disputes the claim to file a disputing note with the deputy treasurer within twenty days from the date of service.

6. If no dispute note is filed, the Treasurer on being satisfied ^{Where no dispute} that notice has been served on the employee shall retain any moneys due and owing to such employee, and pay the same or a sufficient part thereof to satisfy the creditor's claim, subject to the provisions of the ninth section of this Act.

7. If a note disputing the claim is filed, the Treasurer may ^{Where dispute notice filed} with the consent of all parties determine whether any and what sum (if any) is due by the employee to the creditor upon the claim, or he may require the creditor to bring an action therefor against the employee, and in such case he shall retain any moneys due and owing to the employee to abide the result of the action, or sufficient to pay any claim and costs which may be recovered in the action against the employee, provided such action is in the opinion of the Treasurer promptly prosecuted to judgment.

(2) If in the opinion of the Treasurer any such action is not or is not being promptly prosecuted to judgment he may pay any such moneys to the employee and such payment shall operate to discharge the debt due from the Crown to such employee notwithstanding the service of the notice in section 3 provided for.

8. There shall be kept in the Treasury Department an attach- ^{Treasurer to keep book} ment book in which shall be entered the names of parties, the dates of service of notices, the statement of claims, and the amount if any due and owing to the employee at the time of service.

9. This Act shall not apply to any debt contracted before ^{To apply to debts hereafter contracted} the passing hereof, nor to any debt which does not exceed the sum of \$25, and then only to the extent of the excess, nor where the amount due to the employee does not exceed \$25, and then only to the extent of the excess, unless where such last mentioned debt was contracted for board or lodging.

10. Nothing in this Act shall authorize the bringing or main- ^{No action to be brought by virtue of this Act} taining of a suit against the province or the Government or Treasurer thereof save in the manner provided in *The Alberta Petition of Right Act* or in the manner in which any supplicant might proceed as before the passing of such Act.

11. The provisions of this Act shall be taken to supersede any ^{Former practice superseded} provisions, whether contained in Rules of Court or otherwise, which may heretofore have been in force in the province, if any, with reference to the garnishment or attachment of moneys due or accruing due to the persons employed by the Government of the province.

1908

CHAPTER 9.

An Act for Expediting the Decision of Constitutional and other Legal Questions.

(Assented to March 5, 1908.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Reference
to court
authorized

1. The Lieutenant Governor in Council may refer to the Supreme Court of Alberta for hearing or consideration any matter which he thinks fit to refer, and the court shall thereupon hear or consider the same.

Court to
certify
opinion

2. The Court is to certify to the Lieutenant Governor in Council its opinion on the question referred with the reasons therefor, which are to be given in like manner as in the case of a judgment in an ordinary action; and any judge who differs from the opinion of the majority may in like manner certify his opinion with his reasons therefor to the Lieutenant Governor in Council.

Notice to
Attorney
General of
Canada

3. In case the matter relates to the constitutional validity of any Ordinance, or of any Statute of the province, which has heretofore been or shall hereafter be passed, or of some provision in any such Ordinance or Statute, the Attorney General of Canada shall be notified of the hearing in order that he may be heard if he sees fit.

Notice to
persons
interested

4. The court shall have power to direct that any person interested, or where there is a class of persons interested any one or more persons as representatives of such class, shall be notified of the hearing and such persons shall be entitled to be heard.

Appointment
of counsel to
argue case for
unrepresented
interests

5. Where any interest affected is not represented by counsel the court may in its discretion request counsel to argue the case in such interest, and reasonable expenses thereof shall be paid out of the general revenue fund.

Appeal

6. The opinion of the court shall be deemed a judgment of the court, and an appeal shall lie therefrom as in the case of a judgment in an action.

1908

CHAPTER 10.

An Act respecting Security to be Given by Public Officers.

(Assented to March 5, 1908.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. Every person appointed to any office or employment, by or under the government of the province, or to any office or employment of public trust, or wherein he is concerned in the collection, receipt, disbursement or expenditure of any public money, and who by reason thereof is required to give security, shall within one month after notice of such appointment, if he is then in the province, or within three months if he is then absent from the province (unless he sooner arrives in the province and then within one month after such arrival) give and enter into a bond or bonds or other security or securities in such sum and with such sufficient sureties as are approved of by the Lieutenant Governor in Council, or by such other officer or person as they may appoint, for the due performance of the trust reposed in him, and for his duly accounting for all public moneys entrusted to him or placed under his control.

Persons to
furnish
security

Time and
manner of
giving
security

2. Whenever any person is required under this Act, or by any order of the Lieutenant Governor in Council, to give bond or security for the due performance of the duties of any office to which he has been or is about to be appointed, such person may either solely or together with any securities, as the case may be, give such securities by bond in the form A in the schedule to this Act, or to the like effect.

Bound
solely
or with
sureties

3. Whenever a bond made according to the said form A or any other bond (expressed to be made in pursuance of this Act, or referring thereto), contains the form of words set forth in column one of the said form, such bond shall be construed and have the same effect as if it contained the form of words set forth in column two of the said form.

Short form

4. Any recitals may be inserted prior to the condition of the bond, and the feminine gender may be substituted for the masculine or the plural number for the singular or *vice versa* in any form in the first column of the said form, and corresponding changes shall in such case be taken to be made in the corresponding form in the second column.

Adaptation
of form

5. Any bond or part of a bond which does not take effect by virtue of the three sections of this Act next preceding shall

Irregularities
not to affect
liability

nevertheless be as effectual to bind the obligors therein so far as the rules of law and equity will permit, as if the said sections had not been passed.

Sureties to
justify

Attestation

Registration
of bond

Register
of bonds

List of
principals
and sureties

Certified
copies

Failure to
give security

Exception
where security
lost

6. Every surety in any such bond shall make the affidavit in the form B in the schedule to this Act, or to the effect thereof; and every such bond or security shall be proved as to the due execution and delivery of the same by an affidavit of the attesting witness; and every such bond or security with the several affidavits thereunto annexed shall be registered in the office of the Provincial Secretary, and the original bond of security, and the affidavits thereunto annexed shall be retained in the said office, and such bond or security shall be registered within one month after being entered into or given if the person on whose behalf it is entered into or given resides or is in the province, and if he is absent from the province then within three months after being entered into or given, unless such person arrives sooner in the province, and then within one month after such arrival.

(2) The Provincial Secretary shall for the purpose of so registering bonds or securities provide a separate register book, every page of which and every bond or security recorded therein shall be numbered, and the day of the month and year when every such bond or security is registered shall be entered in the margin of the said register book, and in the margin of the bond or security.

(3) The Provincial Secretary shall keep separate alphabetical lists of the names of the principals, and of the names of the sureties mentioned in such bonds or securities, with reference to the book, page or number where the bonds or securities containing such names are to be found, and shall enter and register the said bonds or securities in the same order of time in which they respectively come to his hands.

(4) Copies of all bonds or securities registered as aforesaid certified by the Provincial Secretary shall be received in all courts of civil jurisdiction in the province as *prima facie* evidence of the due execution and the contents thereof; and for every such copy certified as aforesaid a fee of one dollar shall be payable to the general revenue fund.

7. If any person who is required to give, register and deposit any such bond or security as aforesaid neglects to do so he shall be liable to forfeit the appointment in respect whereof such security should have been given, and such appointment shall be void from and after the time when the Lieutenant Governor in Council declares the same to be void under this Act, but such voidance shall not annul or make void any act or other matter or thing done by such person during the time he actually held such appointment.

(2) No such forfeiture shall take place by reason of any such bond or security not being registered or deposited if the proper sureties have been given, and the proper bond made out when the failure of registry and deposit have arisen from the loss of such bond or security in the transmission thereof from a distance; but in every such case a new bond or security specifying the reason of such delay shall be made out and signed, registered and deposited within the like period after the person giving such

security receives notice of the loss (regard being had to the place where he then is) as is required by this Act for the registry thereof if such loss had not occurred.

8. Every such person as aforesaid, who has given any bond or other security, with surety or sureties for the due execution of the trusts reposed in him or for duly accounting for public moneys coming to his hands, shall give notice in writing to the Provincial Secretary of the death, bankruptcy, insolvency or residence out of the province of any surety or person bound for or with him in any such security. Death, insolvency or nonresidence of surety

(2) Such notice shall be given within one month after the fact comes to the knowledge of such person, as aforesaid; and any person who neglects to give such notice within such period shall forfeit to the use of the province one-fourth part of the sum for which the surety so dead, bankrupt, insolvent or resident out of the province became surety recoverable in any civil court at the suit of the Attorney General. Default in giving notice, penalty

(3) Every such person who upon the death, bankruptcy, insolvency or residence out of the province of any surety neglects to give the security of another surety to be approved in like manner as such surety dying or becoming bankrupt, insolvent or resident out of the province was approved, within such period from his having given notice of the death, bankruptcy or insolvency or residence out of the province of the former surety as is by this Act limited for giving, registering and depositing the original security, or neglects to register and deposit the bond or security of such new surety within such period from his having given the security of such new surety as is by this Act limited for the registering and depositing of the original bond or security (the same regard being had to the place in which the person then is) shall be liable to forfeit his appointment of office, employment or commission in respect whereof such new security ought to have been given, and such new bond or security registered and deposited as aforesaid; and his appointment shall be void from and after the time when the Lieutenant Governor in Council declares the same to be void in like manner and under and subject to such provisions as aforesaid. Omission to furnish new security

9. When any person has become security for the due accounting for public moneys or the proper performance of any public duty by such person as aforesaid, such surety when no longer disposed to continue such responsibility may give notice thereof to his principal and also to the Provincial Secretary and all accruing responsibility on the part of such person as such surety shall cease at the expiration of three months from the receipt of the last of such notices or upon the acceptance by the Lieutenant Governor in Council of the security of another surety which ever first happens; and the principal shall within one month from the receipt of the last of such notices give the security of another surety and register and deposit the bond of such new surety or in default of so doing shall be liable to forfeit and be deprived of the appointment in respect whereof such new security ought to have been given and deposited as aforesaid; and his appointment shall be void from and after the time when Withdrawal of surety

the Lieutenant Governor in Council declares the same to be void in like manner and under and subject to such provisions as aforesaid.

Acceptance of
security after
proper time

10. The Lieutenant Governor in Council may approve of the security given by any public officer although perfected after the time limited by this Act; and in such case the office shall be deemed not to have been voided by such default but to have remained and to remain in full force and effect; and no act of any public officer shall by such default be void or voidable.

Securities
executed at
different times,
registration

11. When the securities of the principal and sureties have been executed at different times (whether they were taken in one and the same bond, deed or other instrument or in different ones) the period limited for registering and depositing such securities shall be estimated from the time of execution thereof by the person who was the last to execute the bond, deed, or other instrument as the case may be.

Irregularities
in providing
securities

12. No neglect, omission or irregularity in giving or receiving the bonds or other securities or in registering the same within the periods or in the manner prescribed by this Act shall vacate or make void any such bond or security or discharge any surety from the obligations thereof.

Registration
after time

13. All bonds or other securities hereby required to be registered and deposited shall be registered and deposited by the proper officer, notwithstanding the "period prescribed for registering and depositing the same has expired," but no such registering and depositing of any such bond or other security shall be deemed to waive any forfeiture or penalty, or shall exempt the person on whose behalf the same is registered and deposited from any forfeiture or penalty under any of the provisions of this Act.

Guarantee
company's
bond

14. Whenever any public officer is required to give security for the performance of his duties or other security of a like nature, and whether such security inures for the benefit of the province or of any person injured by the default or misconduct of such officer, the Lieutenant Governor in Council may direct that the bond or policy of guarantee of any incorporated joint stock company empowered to grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of public officers or other like purposes may be accepted as such security upon such terms as may be determined by the Lieutenant Governor in Council; and the provisions of law with reference to the legal effect of such securities when given by individuals to the filing thereof and to the mode of proceeding thereon shall apply to the security given by every such company.

Interim receipt

15. The interim receipt of such company may be accepted in lieu of the formal security, but the formal security shall be completed within four months from the date of such receipt.

SCHEDULE.

FORM A.

Know all men by these presents that we,
 of in the Province of Alberta, Dominion of
 Canada (hereinafter called "the principal") and
 of in the said province, and
 of in the said province (hereinafter called "the
 sureties") are respectively held and firmly bound unto our Sovereign Lord
 the King, his heirs and successors, in the respective penal sums following,
 that is to say: The principal in the sum of dollars of
 lawful money of Canada, and each of the sureties in a sum of
 dollars of like lawful money, to be paid to our Sovereign Lord the King,
 his heirs and successors, for which said respective payments well and faith-
 fully to be made, we severally,—and not jointly or each for the other,—
 bind ourselves, and our respective heirs, executors and administrators, firmly
 by these presents, sealed with our respective seals.

Dated this day of in the year
 of our Lord one thousand and in the
 year of His Majesty's reign.

Whereas the principal having been appointed to the office or employment
 of is required by law to give security to the Crown
 for the due performance of the duties appertaining thereto, and the sureties
 have consented to become his sureties for such his performance of the said
 duties, and this bond is given in pursuance of *An Act respecting Security
 to be Given by Public Officers.*

COLUMN ONE.

Now the condition of this obliga-
 tion is that if the principal faithfully
 discharges the duties of the said office
 and duly accounts for all moneys
 and property which come into his
 custody by virtue of the said office,
 this obligation shall be void.

Signed, sealed and delivered in
 the presence of

COLUMN TWO.

Now the condition of the above
 obligation is such that if the prin-
 cipal so appointed to the said office
 or employment as aforesaid, do and
 shall from time to time, and at all
 times, so long as he shall hold the
 said office or employment or be and
 remain charged with the actual dis-
 charge of the duties appertaining
 thereto, or any of them, faithfully,
 honestly and diligently do, perform,
 fulfil and discharge all and every
 such duties in every respect in
 accordance with the laws now in
 force in that behalf, as also all and
 singular such other duties as by
 competent authority in that behalf
 now are or hereafter shall or may be
 attached to the said office or employ-
 ment or imposed upon or required
 to be performed by the incumbent
 for the time being of the said office
 or employment, whether such last-
 mentioned duties are regulated or
 imposed by any Act or Acts, Ordina-
 nance or Ordinances, heretofore
 passed or that may hereafter be
 passed by the Legislative Assembly
 of the said province, or by any
 order or regulations made under
 any such Act or Ordinance, and
 whether such duties are extended,
 increased or otherwise varied or
 altered by any such Act or Acts,
 so to be passed, or by any such
 order or regulations as aforesaid,
 or are regulated or imposed, or are
 extended, increased or otherwise
 varied or altered by competent

authority, and shall duly account for and pay over all such moneys or securities for money or valuable securities or property as shall come into his hands, custody or control by virtue of or in consequence of his holding to the said office;

And further, if the principal, upon his removal from, or his resignation of the said office or employment, or if in the event of his death during his tenure of the said office or employment his legal representatives, or some or one of them, do and shall quietly surrender and deliver up the same, and all the moneys, securities for money, valuable securities, or property, books, papers, instruments, instructions, maps, plans, letters and writings, and other things whatever, which then may be or ought to be in his possession, custody or keeping, by virtue of or in consequence of his holding the said office, or relating or in anywise appertaining thereto, then the above obligation shall be null and void and of no effect; otherwise the same shall be and remain in full force and virtue.

AFFIDAVITS TO BE ANNEXED TO THE BOND.

AFFIDAVIT OF WITNESSES.

CANADA: { I, C.D., of
 PROVINCE OF ALBERTA, {in the
 To Wit: { Province of Alberta, make oath and say that
 I was personally present, and did see.....the
 obligors in the above bond or writing obligatory named, duly execute the
 said instrument by signing, sealing, and, as their respective acts and deeds,
 delivering the same, and that I am a subscribing witness to such execution.
 Sworn before me at.....
 in the said province, this.....
 day of.....A.D.,
 One thousand.....
 (Signature) A.B. } (Signature) C.D.

(A separate affidavit in this form shall be made by a witness to the execution of each obligor, if the same person does not witness the execution by all of them.)

FORM B.

CANADA: { I, A.B., one of the sureties in the annexed
 PROVINCE OF ALBERTA, { bond named, make oath and say as follows:
 To Wit: {
 1. I am seized and possessed to my own use of real (or real and personal)
 estate at.....in the Province of Alberta, of the
 actual value of \$.....over and above all charges upon
 or encumbrances affecting the same.
 2. My post office address is as follows:.....
 Sworn before me at.....
 this.....day of.....
 A.D. one thousand.....

 (Signature) C.D. } (Signature) A.B.

(A separate affidavit to be made by each surety).

ENDORSEMENT OF BOND.

The endorsement on the bond shall show: 1. The date of its receipt by the Provincial Secretary. 2. The names of the principal and sureties, and the amount for which each is bound. 3. The date of the bond. 4. The office for the faithful discharge of the duties whereof it is given. 5. The registration number. 6. The folio on which it is entered in the register of bonds.

1908

CHAPTER 11.

An Act respecting the Alberta Reformatory for Boys.

(Assented to March 5, 1908.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

Short title **1.** This Act may be cited as "*The Reformatory Act.*" 1909. c. 5, s. 16.

INTERPRETATION.

Interpretation	2. In this Act, unless the context otherwise requires—
Sentence	(a) The expression "sentence" includes any order made by lawful authority for the confinement of any boy in the industrial school hereinafter mentioned;
Sentenced	(b) The expression "sentenced" includes the making of such order;
Industrial reformatory	(c) The expression "reformatory" means "The Alberta Reformatory for Boys." 1909, c. 5, s. 16.
Minister	(d) The expression "Minister" means the Attorney General of Alberta. 1909, c. 5, s. 16.

ESTABLISHMENT OF SCHOOL.

Name and establishment of reformatory **3.** There shall be an institution in this province to be known as "The Alberta Reformatory for Boys," and the said institution shall be a reformatory prison within the meaning of any present or future Act of the Legislature of Alberta or of the Parliament of Canada relative to reformatory prisons. 1909, c. 5, s. 16.

Situation of reformatory **4.** Until otherwise provided, by Act of this Legislature or by order of the Lieutenant Governor in Council, the said institution shall be situated at such place as shall be designated by the Lieutenant Governor in Council.

Object of reformatory **5.** The reformatory shall have for its objects the custody and detention, with a view to their education, industrial training and moral reclamation, of such boys as shall be lawfully sentenced to confinement therein. 1909, c. 5, s. 16.

Officers **6.** The Lieutenant Governor in Council may, from time to time, appoint for the reformatory a superintendent, and such other officers and servants as the efficient management of the said reformatory may require, and may fix and determine their respective salaries. 1909, c. 5, s. 16.

7. The constable to whom a warrant of commitment of any boy, sentenced to confinement in the said reformatory, is entrusted, or any officer or person authorized or appointed for that purpose by the judge or magistrate who imposed such sentence, shall, with all convenient speed, convey and deliver up such boy, together with such warrant, into the custody of the superintendent of the reformatory, or such other person as may for the time being be in charge thereof, and the superintendent or other person in charge shall give a receipt in writing for every boy so received into his custody to the constable or other officer or person as his discharge; and such boy shall be kept in custody in the reformatory, or other lawful place to which he may be removed until the termination of his sentence, or until his pardon, release or discharge by law, or until he is removed therefrom by competent authority. 1909, c. 5, s. 16.

Commitment
of boy to
reformatory

His removal
there

Period of his
detention

8. The constable or such other officer or person may secure and convey such boy through any district through which he may have to pass; and until such boy shall have been delivered to the superintendent of the reformatory or other person for the time being in charge thereof, or to the keeper of any place to which such boy may lawfully be removed from the reformatory, the constable or such other officer or person shall have, in every part of this province through which it may be necessary to convey such boy, full and absolute jurisdiction, power and authority over and with regard to such boy, and to command the assistance of any person to prevent his escape and to recapture him in case of his escape. 1909, c. 5, s. 16.

Powers of
constable

GENERAL REGULATIONS.

9. All dealings and transactions on account of the school and all contracts for goods, wares or merchandise necessary for the maintaining and carrying on of the industrial operations of the said institution, or for the sale of goods prepared or manufactured therein or for the hire, labour or employment of any boy therein confined, either within or without the limits of the reformatory, shall be entered into and carried out in the name of the Minister of Public Works of Alberta on behalf of His Majesty. 1909, c. 5, s. 16.

Contracts,
how to be
made

10. The Lieutenant Governor in Council may make rules and regulations for the management, interior economy and discipline of the reformatory, and for fixing and prescribing the duties and conduct of the superintendent and every other officer and servant employed therein, and for the clothing, maintenance, education, employment, industrial instruction, classification, discipline, correction, punishment, reward and general oversight and care of all boys sent to the reformatory, and may repeal and amend the same from time to time.

Lieutenant
Governor in
Council may
make rules

11. The Minister shall have power summarily to suspend any of the officers or servants of the reformatory for misconduct or other cause in his opinion warranting such action, until the circumstances of the case shall have been reported to and decided by the Lieutenant Governor in Council; and the Minister may, in the meantime, cause any officer or servant so suspended to be

Minister may
suspend officers

removed beyond the precincts of the school; and it shall be the duty of the Minister to recommend the removal of any officer or servant whom he finds incapable, inefficient or negligent in the execution and performance of his duty, or whose presence in the reformatory he may deem injurious to the interests thereof; and the pay of every officer or servant so suspended shall cease during the period of such suspension. 1909, c. 5, s. 16.

Inspection of
reformatory
by Minister

May summon
witnesses and
compel
production of
books, etc. *

12. The Minister shall have power, at all times, to enter into the reformatory and have access to every part thereof, and to examine all papers, documents, vouchers, records, books and other things belonging thereto, and to investigate the conduct of any officer or servant employed in and about the school, or of any person found within the precincts thereof; and may summon any person before him, by order under his hand, and examine such person under oath touching any matter relating to any breach of the rules of the reformatory, or any matter affecting the interests of the institution, and may, by the same or like order, compel the production of books, papers and writings before him; and any person having been duly served with a copy of such order, who shall neglect or refuse to appear at the time and place specified therein, or shall refuse to give evidence or to produce the books, papers or writings demanded of him, may, by virtue of a warrant under the hand of the Minister, be taken into custody and imprisoned in the common gaol, as for contempt of court, for a period not exceeding fourteen days. 1909, c. 5, s. 16.

SUPERINTENDENT.

Powers and
duties of
superintendent

13. The superintendent of the reformatory shall reside in or near the reformatory building, and shall be the chief executive officer thereof, under the direction of the Minister, and as such shall have the entire execution, control and management of all its affairs, subject to the rules and regulations made, as aforesaid, and shall be held responsible for the faithful and efficient administration of the offices of every department of the institution. 1909, c. 5, s. 16.

Superinten-
dent to receive
and detain
boys sentenced
to reformatory

14. The superintendent shall receive into the reformatory every boy legally certified to him as sentenced to confinement therein, and shall there detain him, subject to all the rules, regulations and discipline thereof, until the time to which he has been sentenced shall be completed or until he shall be otherwise lawfully discharged. 1909, c. 5, s. 16.

Superinten-
dent to notify
parents, etc.

15. The superintendent shall, upon the reception of any boy into the reformatory, ascertain the address of the parents, guardians or other person with whom such boy has been living, and shall send by mail, registered, a notice that such boy has been committed to the reformatory. 1909, c. 5, s. 16.

OATHS OF OFFICIALS.

Oaths to be
taken by
officials of
reformatory

16. Every superintendent, officer and servant employed permanently in the said reformatory shall severally take and subscribe in a book to be kept for that purpose by the superintendent at his office, the oath of allegiance to His Majesty and

the following oath of office, that is to say: 1909, c. 5, s. 16.

I, A. B. do promise and swear that I will faithfully, diligently and justly perform the duties of..... in the Alberta Reformatory to the best of my ability, and that I will carefully observe and carry out all rules and regulations of the said school. So help me God. 1909, s. 5, s. 16.

17. Such oath may be administered by a justice of the peace Who shall administer oaths to the superintendent, and to any of the other officers or servants by the superintendent.

SENTENCES OF CONFINEMENT.

18. Any person who shall be sentenced under the criminal law or other law of Canada to confinement in the reformatory may be confined therein and shall be held and treated as required by the law of Canada, but in other respects shall be subject to the law, rules and regulations governing the reformatory. Nothing in this Act shall be deemed as intended to be inconsistent with the laws of Canada governing the case of such person, or as intended to affect the punishment lawfully imposed upon any such person. 1909, c. 5, s. 16.

Persons sentenced under criminal law held as required by law of Canada

19. Upon compliant and due proof made to the judge of any District Court, or any police magistrate in this province, by the parent or guardian of any boy between the ages of ten and thirteen years, that, by reason of incorrigible or vicious conduct, such boy is beyond the control of such parent or guardian, and that a due regard for the material and moral welfare of such boy manifestly requires that he should be committed to the reformatory, the judge or police magistrate may order such boy to be confined in the reformatory for an undefined period not to exceed five years. 1909, c. 5, s. 16.

Boys between 10 and 13 years of age may be sent to reformatory upon proof that they are so incorrigible or vicious as to be beyond control

20. Any court, judge or police magistrate, who has or shall have power to sentence any boy to be confined in the reformatory for any stated period, may sentence such boy to be confined therein for an undefined period; and such boy shall thereupon be detained in the reformatory until he be reformed or otherwise fit to be apprenticed or bound out, or be probationally or permanently discharged, as hereinafter provided:

Time of confinement in reformatory

Provided that such boy shall not be detained for a longer time than the maximum term of confinement for the offence of which he was convicted, and that no boy shall be sentenced under this section who cannot be imprisoned for two years or over. 1909, c. 5, s. 16.

Proviso

21. In case a boy is sentenced to confinement in the reformatory, a copy of the sentence of the court duly certified as aforesaid, or the warrant or order of the judge or police magistrate by whom such boy is sentenced, shall be sufficient authority for the person having the lawful custody of such boy, who may be directed so to do (which direction may be verbal), to convey such boy to the gaol of the judicial district or any guard room of the Royal North-West Mounted Police in the judicial district in which such sentence is pronounced, and for the gaoler of such gaol to receive and detain the said boy until the constable or

Warrant of detention in gaol of persons sentenced to reformatory

other person entrusted with the warrant of the Minister shall require the delivery of such boy for removal to the reformatory. 1909, c. 5, s. 16.

Detention in
gaol when boy
cannot be
safely or
conveniently
removed to
reformatory

22. In case any boy sentenced to be confined in the reformatory is in such a weak state of health that he cannot safely or conveniently be removed to the reformatory, he may be detained at the gaol of the judicial district or guard room or other place of confinement in which he may be, until he is sufficiently recovered to be safely and conveniently removed to the school; but any time during which such boy is so detained shall be reckoned in computing the time to be served by such boy in the reformatory. 1909, c. 5, s. 16.

Record to be
kept with a
view to
mitigation of
sentence

23. In order to encourage good behaviour and industry among the boys in the said reformatory, and with a view to permitting every boy to earn a remission of a portion of the term for which he was sentenced to the said reformatory, it shall be lawful for the Minister to make rules, so that a correct record of the conduct of every boy may be made, under the mark system. 1909, c. 5, s. 16.

Discharge of
boy when
reformed

24. When, under the rules in that behalf, a boy shall have obtained the requisite number of good marks, based upon good conduct, proficiency in reformatory and industrious habits, and shall in addition thereto have given satisfactory evidence of being reformed, it shall be the duty of the superintendent to transmit to the Minister a certificate to that effect, whereupon the Minister, if he considers it requisite, shall make further inquiry into the facts and, having satisfied himself that the boy has earned his discharge, shall forthwith take steps to have the remaining portion of the sentence of such boy remitted, or to have such boy discharged on probation for a stated period: 1909, c. 5, s. 16.

Proviso

(a) Provided that no action shall be taken under this section in respect of any boy who has not been at least one year in the reformatory; 1909, c. 5, s. 16.

(b) Provided, also, that the judge of any District Court or any police magistrate, upon satisfactory proof that any boy who was sentenced under the provisions of any act of the Legislature of Alberta or Ordinance of the North-West Territories and who has been discharged on probation has violated the conditions of his discharge, may order such boy to be recommitted to the reformatory, there to be confined for the residue of the term for which he was originally sentenced.

DISCHARGE FROM REFORMATORY.

Binding to
service of boys
confined in
reformatory

25. In case any respectable and trustworthy person is willing to undertake the charge of any boy committed to the reformatory, when such boy is over the age of twelve years, as an apprentice to the trade or calling of such person, or for the purpose of domestic service, and such boy is confined in the reformatory by virtue of a sentence pronounced under the authority of any Statute of this province or Ordinance of the North-West Territories, the superintendent may, with the consent and in the name of the Minister, bind the said boy to such person for any term

not to extend beyond the term of five years from the commencement of his imprisonment without his consent, and the Minister shall thereupon order that such boy shall be discharged from said reformatory, and he shall be discharged accordingly:

Provided that any wages reserved in any indenture of apprenticeship made under this section shall be payable to the said boy or to some other person for his benefit. 1909, c. 5, s. 16.

26. Whenever the time of any boy's sentence in the reformatory, under any law within the legislative jurisdiction of this province, shall expire on a Sunday he shall be discharged on the previous Saturday, unless he desires to remain until the Monday following. 1909, c. 5, s. 16. Boys not to be discharged on Sunday

27. No boy shall be discharged from the reformatory at the termination of his sentence if then labouring under any contagious or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in the reformatory until he recovers from such disease or illness: Boys not to be discharged if labouring under certain diseases

Provided, however, that any boy remaining in the reformatory from any such cause shall be under the same discipline and control as if his sentence were still unexpired. 1909, c. 5, s. 16. Proviso

ANNUAL REPORT.

28. On or before the fifteenth day of January in each year the superintendent of the reformatory shall furnish the Minister with a statement of the names and numbers of the boys sentenced and confined during the year ending on the thirty-first day of December immediately preceding, the date of admission, the cause, the cost of maintenance, the date of discharge and any other information he may deem advisable or that the Minister may require. 1909, c. 5, s. 16. Superintendent's annual report

PRESERVATION OF ORDER.

29. The superintendent, officers and employees of the reformatory are hereby constituted police officers for the reformatory and for the grounds connected with and belonging to the same, and are empowered to proceed against or summarily arrest all persons within said reformatory and grounds who shall be guilty of any offence therein against the laws of Canada or of the province or the rules and regulations of the reformatory, and to arrest any vagrants or idle person who shall refuse to leave said reformatory premises when requested so to do by any of said officers, and to take any such before any court of competent jurisdiction, and to cause proper complaint to be made against such offender; and for such purpose said superintendent, officers and employees shall possess all the powers and authority of police officers and constables. 1909, c. 5, s. 16. Officials of reformatory constables for certain purposes

30. Any person who shall be guilty of any noisy, boisterous or disorderly conduct, fighting, immoderate drinking or drunkenness, indecent exposure of the person, lewd, wanton or obscene conduct, or vulgar or obscene language, or of any offence against the laws of Canada or of the province or the rules and regulations of the reformatory, within said reformatory or the grounds thereof, Penalty for disorderly conduct within precincts of reformatory

may be proceeded against or summarily arrested by said officers or employees, or any of them, and on conviction shall be liable to a fine of not less than one dollar nor more than fifty dollars.

PROTECTION OF INMATES.

Penalty for
abuse of
reformatory
boys by
officials
thereof

31. Any officer or other person in charge of or employed in the reformatory, who shall abuse, neglect or ill-treat any boy confined therein, shall, on conviction, be punished by a fine not exceeding one hundred dollars or by such other punishment as may be prescribed for such offence by any law or Statute in force in this province. 1909, c. 5, s. 16.

PROSECUTIONS.

Prosecutions

32. All prosecutions under this Act may be brought and heard before any police magistrate or justice of the peace, and any police magistrate or justice of the police shall have power to award payment of costs in addition to the penalty. The penalty, when recovered, shall be paid over by such justice or police magistrate to the Provincial Treasurer; and, in default of payment, the offender shall, by warrant signed and sealed by the police magistrate or justice of the peace, be imprisoned for a period of not less than one day nor more than one year, at the discretion of such justice or police magistrate, unless the penalty and costs be sooner paid.

Imprisonment
in default of
payment of
penalty

ESCAPES.

Recapture of
boy escaping
from the
institution

33. In case any boy or boys confined in the reformatory escape therefrom, it shall be lawful for the superintendent or any of the officers of the reformatory or for any other person or persons at his or their request, or any of them, within one year thereafter, to retake such escaped boy or boys and return him or them to the reformatory from whence he or they escaped; and he or they shall remain in custody therein, under the authority by virtue of which he or they was or were detained prior to the escape, and any such boy shall be subject to such further punishment for the escape as may be imposed by law or in virtue of any regulations in force in such reformatory for the government of persons confined therein. 1909, c. 5, s. 16.

Punishment
for escape

VISITORS.

Visitors

34. Any judge of the Supreme Court or of the District Courts, any police magistrate and any member of the Legislative Assembly of Alberta shall at any time be admitted as a visitor to the reformatory.

SCHEDULE.

The following is the schedule referred to in this Act:

SCHEDULE A.

(Section 8.)

RETURN WITH REFERENCE TO BOY LIABLE TO TRANSFER TO REFORMATORY. Return with reference to boy liable to transfer to reformatory

(A separate return to be made with each boy.)

1. Name in full.
 2. Age.
 3. From what court sentenced.
 4. Date of sentence.
 5. Period and nature of sentence.
 6. Place of residence.
 7. Place of birth.
 8. Name and post office address of parents, guardian, or other person with whom the boy has been living.
 9. Trade, occupation or calling of boy, if any.
 10. Temperate or intemperate.
 11. If married, state the fact.
 12. Religious denomination.
 13. Degree of education.
 14. Offence.
 15. Fine, if any.
 16. Opinion of person in whose custody boy is, as to physical and mental condition of boy and his fitness to perform ordinary work.
- Dated this.....day of....., 19.....

.....
(Signature of person in whose custody boy is.)

1908

CHAPTER 12.

An Act with respect to Compensation to Workmen for Injuries Suffered in the Course of their Employment.

(Assented to March 5, 1908.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

Short title

1. This Act may be cited as "*The Workmen's Compensation Act, 1908.*"

APPLICATION OF ACT AND DEFINITIONS.

2. This Act shall apply only to employment by the undertakers as hereinafter defined, on or in or about a railway, factory, mine, quarry or engineering work, and to employment by the undertakers as hereinafter defined on, in or about any building which is either being constructed or repaired by means of a scaffolding, or being demolished, or on which machinery driven by steam, water, or other mechanical power is being used for the purpose of the construction, repair, or demolition thereof. 1913 (1st Session), c. 9, s. 39 (1).

(2) In this Act, unless the context otherwise requires—

1. "Railway" means a road owned by a private person or public company on which carriages run over metal rails, and shall include railways or tramways operated by electric or other power;

2. "Factory" means a building, workshop, or place where machinery driven by steam, water or other mechanical power is used, and includes mills where manufactures of wood, flour, meal, pulp or other substances are being carried on, also smelters where metals are sorted, extracted or operated on; every laundry worked by steam, water or other mechanical power, and also includes any dock, wharf, quay, warehouse, ship building yard, where goods or materials are being stored, handled, transported or manufactured;

3. "Mine" means any kind of mine, and includes every shaft in the course of being sunk, and every level and inclined plane in the course of being driven for commencing or opening any mine or for searching for or proving minerals, and all the shafts, levels, planes, works, machinery, tramways, railways and sidings, both below ground and above ground, in and adjacent to a mine, and any such shaft, level and inclined plane of and belonging to the mine;

4. "Engineering work" means any work of construction or alteration or repair of a railroad, harbour, dock, canal, watermain or sewer, and includes any other work for the construction, alter-

ation or repair of which machinery, driven by steam, water or other mechanical power, is used; 1913, c. 9, s. 39 (1).

5. "Quarry" means an open cut from which rock is cut or taken for building purposes;

6. "Undertaker" in the case of a railway, means the person or company owning or operating the railway; in the case of a factory, quarry, laundry, smelter or warehouse means the owner, occupier or operator thereof; in the case of a mine means the owner or operator thereof, and in the case of an engineering work, or other work specified within this Act, means the person undertaking the construction, alteration, repair or demolition;

7. "Employer" includes any body of persons corporate or unincorporate and the legal personal representative of a deceased employer, and, where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship the latter shall, for the purposes of this Act, be deemed to continue to be the employer of the workman while he is working for that other person;

8. "Workman" includes every person who is engaged in an employment to which this Act applies whether by way of manual labour or otherwise, but does not include any person employed otherwise than by way of manual labour whose remuneration exceeds twelve hundred dollars a year, or an outworker, but, save as aforesaid, means any such person who has entered into or works under a contract of service or apprenticeship with an employer in any employment to which this Act extends, whether by way of manual labour, clerical work, or otherwise, and whether the contract is expressed or implied, is oral or in writing;

Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his legal personal representative or to his dependents or other person to whom or for whose benefit compensation is payable;

9. "Dependents" means such of the members of the workman's family as were wholly or in part dependent upon the earnings of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent, and where the workman, being the parent or grandparent of an illegitimate child, leaves such child so dependent upon his earnings, or, being an illegitimate child, leaves a parent or grandparent so dependent upon his earnings, shall include such an illegitimate child and parent or grandparent respectively;

10. "Member of a family" means wife or husband, father, mother, grandmother, grandfather, step-father, step-mother, son, daughter, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister, adopted child, foster parent;

11. "Outworker" means a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale, in his own home or on other premises not under the control or management of the person who gave out the materials or articles;

The exercise and performance of the powers and duties of a local or municipal authority or corporation shall, for the purposes of this Act, be treated as the trade or business of the authority or corporation.

LIABILITY OF EMPLOYERS TO WORKMEN FOR INJURIES.

Liability of
employers to
workmen for
injuries

3. If in any employment to which this Act applies personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall, subject as hereinafter mentioned, be liable to pay compensation in accordance with the first schedule to this Act.

(2) Provided that—

(a) The employer shall not be liable under this Act in respect of any injury which does not disable the workman from earning full wages at the work at which he was employed; 1913 (1st Session), c. 9, s. 39 (2).

(b) When the injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible nothing in this Act shall affect any civil liability of the employer but in that case the workman may, at his option, either claim compensation under this Act or take proceedings independently of this Act; but the employer shall not be liable to pay compensation for injury to a workman by accident arising out of and in the course of the employment both independently of and also under this Act, and shall not be liable to any proceedings independently of this Act, except in case of such personal negligence or wilful act as aforesaid;

(c) If it is proved that the injury to a workman is attributable to the serious and wilful misconduct of that workman, any compensation claimed in respect of that injury shall, unless the injury results in death or permanent disablement, be disallowed.

(3) If any question arises in any proceedings under this Act as to the liability to pay compensation under this Act, including any question as to whether the employment is one to which this Act applies, or as to whether the person injured is a workman to whom this Act applies, or as to the amount or duration of compensation under this Act, the question, if not settled by agreement, shall, subject to the provisions of the first schedule to this Act, be settled by arbitration, in accordance with the second schedule to this Act.

(4) If, within the time hereinafter in this Act limited for taking proceedings, an action is brought to recover damages independently of this Act for injury caused by any accident, and it is determined in such action that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this Act, the action shall be dismissed; but the court in which the action is tried shall, if the plaintiff so choose, proceed to assess such compensation, but may deduct from such compensation all or part of the costs which, in its judgment, have been caused by the plaintiff bringing the action instead of proceeding under this Act. In any proceeding under this subsection when the court assesses the compensation it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction for costs, and such certificate shall have the force and effect of an award under this Act.

TIME FOR TAKING PROCEEDINGS.

4. Proceedings for the recovery under this Act of compensation for an injury shall not be maintainable unless notice in writing of the accident has been given as soon as practicable after the happening thereof, and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect to such accident has been made within six months from the occurrence of the accident causing the injury, or, in case of death, within six months from the time of death: Time for taking proceedings

Provided always that—

- (a) The want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such proceedings if it is found in the proceedings for settling the claim that the employer is not, or would not, if a notice or an amended notice were then given and the hearing postponed, be prejudiced in his defence by the want, defect or inaccuracy, or that such want, defect or inaccuracy was occasioned by mistake, absence from the province, or other reasonable cause; and
- (b) The failure to make a claim within the period above specified shall not be a bar to the maintenance of such proceedings if it is found that the failure was occasioned by mistake, absence from the province, or other reasonable cause.

(2) Notice in respect of an injury under this Act shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which the accident happened, and shall be served on the employer, or, if there is more than one employer, upon one of such employers.

(3) The notice may be served by delivering the same at, or sending it by post in a registered letter addressed to the residence or place of business of the person on whom it is to be served.

(4) Where the employer is a body of persons, corporate or unincorporate, the notice may also be served by delivering the same at, or by sending it by post in a registered letter addressed to the employer at the office, or, if there be more than one office, any one of the offices of such body.

CONTRACTING OUT.

5. If the Attorney General, after taking steps to ascertain the views of the employer and workmen, certifies that any scheme of compensation, benefit, or insurance for the workman of an employer in any employment, whether or not such scheme includes other employers and their workmen, provides scales of compensation not less favourable to the workmen and their dependants than the corresponding scales contained in this Act, and that, where the scheme provides for contributions by the workmen, the scheme confers benefits at least equivalent to those contributions, in addition to the benefits to which the workmen would have been entitled under this Act, and that a majority (to be ascertained by ballot) of the workmen to whom the scheme is applicable are in favour of such scheme, the employer may, whilst the certificate is in force contract with any of his workmen Contracting out

that the provisions of the scheme shall be substituted for the provisions of this Act, and thereupon the employer shall be liable only in accordance with the scheme, but, save as aforesaid, this Act shall apply notwithstanding any contract to the contrary made after the commencement of this Act.

(2) The Attorney General may give a certificate to expire at the end of a limited period of not less than five years, and may from time to time renew with or without modifications such a certificate to expire at the end of the period for which it is renewed.

(3) No scheme shall be so certified which contains an obligation upon the workmen to join the scheme as a condition of their hiring, or which does not contain provisions enabling a workman to withdraw from the scheme.

(4) If complaint is made to the Attorney General by or on behalf of the workmen of any employer that the benefits conferred by any scheme no longer conform to the conditions stated in subsection (1) of this section, or that the provisions of such scheme are being violated, or that the scheme is not being fairly administered, or that satisfactory reasons exist for revoking the certificate, the Attorney General shall examine into the complaint, and, if satisfied that good cause exists for such complaint, shall, unless the cause of complaint is removed, revoke the certificate.

(5) When a certificate is revoked or expires, any moneys or securities held for the purpose of the scheme shall, after due provision has been made to discharge the liabilities already accrued, be distributed as may be arranged between the employer and workmen, or as may be determined by the Attorney General in the event of a difference of opinion.

(6) Whenever a scheme has been certified as aforesaid, it shall be the duty of the employer to answer all such inquiries and to furnish all such accounts in regard to the scheme as may be made or required by the Attorney General.

(7) The Attorney General may make regulations for the purpose of carrying this section into effect.

SUBCONTRACTING.

Subcontracting **6.** Where any person (in this section referred to as the principal) in the course of or for the purposes of his trade or business, contracts with any other person (in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work undertaken by the principal which is in the way of the principal's trade or business, the principal shall be liable to pay to any workman employed in the execution of the work any compensation under this Act which would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then, in the application of this Act, references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed.

(2) Where the principal is liable to pay compensation under this section he shall be entitled to be indemnified by any person who would have been liable to pay compensation to the workman independently of this section, and all questions as to the right to and amount of any such indemnity shall in default of agreement be settled by arbitration under this Act.

(3) Nothing in this section shall be construed as preventing a workman recovering compensation under this Act from the contractor instead of the principal.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, or in, or about premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

PROVISION AS TO CASES OF INSOLVENCY OF EMPLOYER.

7. Where any employer has entered into a contract with any insurers in respect of any liability under this Act to any workman, then, in the event of the employer making an assignment for the benefit of or a composition or arrangement with his creditors, or if the employer is a company in the event of the company having commenced to be wound up, the rights of the employer against the insurers as respects that liability shall be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so however that the insurers shall not be under any greater liability to the workman than they should have been under to the employer.

Provisions
as to cases
of insolvency
of employer

(2) If the liability of the insurers to the workman is less than the liability of the employers to the workman the workman may prove for the balance in the assignment or liquidation proceedings.

(3) There shall be included among the debts which under *The Assignments Act*, and *The Companies Winding-Up Ordinance*, are in the distribution of the property in the case of an assignment, and in the distribution of the assets of a company being wound up, under the said Act and Ordinance respectively, to be paid in priority to all other debts, the amount, not exceeding in any individual case five hundred dollars, due in respect of any compensation the liability wherefor accrued before the date of the assignment or the date of the commencement of the winding up, and the said Acts shall have effect accordingly. Where the compensation is a weekly payment, the amount due in respect thereof, shall for the purposes of this provision, be taken to be the amount of the lump sum for which the weekly payment could, if redeemable, be redeemed if the employer made an application for that purpose under the first schedule to this Act.

(4) The provisions of this section with respect to preferences and priorities shall not apply where the assignor or the company being wound up has entered into such a contract with insurers as aforesaid.

(5) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

REMEDIES BOTH AGAINST EMPLOYER AND STRANGER.

Remedies
both against
employer and
stranger

8. Where the injury for which compensation is payable under this Act was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof—

(1) The workman may take proceedings both against that person to recover damages and against any person liable to pay compensation under this Act for such compensation, but shall not be entitled to recover both damages and compensation; and

(2) If the workman has recovered compensation under this Act, the person by whom the compensation was paid, and any person who has been called on to pay an indemnity under the section of this Act relating to subcontracting, shall be entitled to be indemnified by the person so liable to pay damages as aforesaid, and all questions as to the right to and amount of any such indemnity shall, in default of agreement, be settled by action, or, by consent of the parties, by arbitration under this Act.

PROVISIONS AS TO EXISTING CONTRACTS.

Provision as
to existing
contracts

9. Any contract existing at the commencement of this Act, whereby a workman relinquishes any right to compensation from the employer for personal injury arising out of and in the course of his employment shall not, for the purposes of this Act, be deemed to continue after the time at which the workman's contract of service would determine if notice of the determination thereof were given at the commencement of this Act.

10. Notwithstanding anything hereinbefore contained this Act shall not apply to the employment of agriculture, nor to any work performed or machinery used on or about a farm or homestead for farm purposes or for the purposes of improving such farm or homestead and for greater certainty but so as not to restrict in any degree the generality of the foregoing words of this section this Act shall not apply to any of the following employments on a farm:

(a) Threshing, cleaning, crushing, grinding or otherwise treating grain or sawing wood, posts, lumber or other wooden material, or otherwise treating the same, or the pressing of hay, by any kind of machinery or motive power, and whether such machinery or motive power be portable or stationary, and whether the same be owned and operated by the farmer or farmers for whose purpose the same is being used, or by any other farmer or other person for gain, profit or reward.

(b) The construction, repair or demolition of any farm building, windmill, derrick or other structure.

(2) The word "factory" as defined in this Act shall not be held to include any building, workshop, place or mill on a farm used for the purposes of such farm.

(3) The words "mine" or "quarry" as defined in this Act shall not be held to include any mine or quarry on a farm used for the purposes only of such farm.

(4) The words "engineering work" as defined in this Act shall not be held to include any ditch, drain, well, or other excavation on a farm being constructed or repaired for the purposes of such farm, or any adjoining farm or farms.

COMMENCEMENT.

11. This Act shall come into operation on the first day of January, nineteen hundred and nine but shall not apply in any case where the accident happened before the commencement of this Act.

SCHEDULES.

Unless the context otherwise requires—

- (a) The words "Court" or "District Court" when used in these schedules shall mean the District Court of the district in which all the parties concerned reside, or, if they reside in different districts, then of the district in which the accident out of which the matter arose occurred, or any judge of such District Court;
- (b) "Rules of Court" shall mean rules of court made and promulgated as provided for in *The District Courts Act*.

FIRST SCHEDULE.

SCALE AND CONDITIONS OF COMPENSATION.

- (1) The amount of compensation under this Act shall be:

- (a) Where death results from the injury—

Scale and
conditions of
compensation

- (i) If the workman leaves any dependants wholly dependent upon his earnings, a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury, or the sum of one thousand dollars, whichever of those sums is the larger, but not exceeding in any case eighteen hundred dollars, provided that the amount of any weekly payments made under this Act, and any lump sum paid in redemption thereof, shall be deducted from such sum, and, if the period of the workman's employment by the said employer has been less than the said three years, then the amount of his earnings during the said three years shall be deemed to be one hundred and fifty-six times his average weekly earnings during the period of his actual employment under the said employer;
 - (ii) If the workman does not leave any such dependants, but leaves any dependants in part dependent upon his earnings, such sum not exceeding in any case the amount payable under the foregoing provisions, as may be agreed upon, or in default of agreement may be determined, on arbitration under this Act, to be reasonable and proportionate to the injury to the said dependants; and
 - (iii) If he leaves no dependants, the reasonable expenses of his medical attendance and burial, not exceeding two hundred dollars;
- (b) Where total or partial incapacity for work results from the injury, a weekly payment during the incapacity not exceeding fifty per cent. of his average weekly earnings during the previous twelve months, if he has been so long employed, but if not then for any

less period during which he has been in the employment of the same employer, such weekly payment not to exceed ten dollars. 1913 (2nd Session), c. 2, s. 18:

Provided that as respects the weekly payments during total incapacity of a workman who is under twenty-one years of age at the date of the injury, and whose average weekly earnings are less than ten dollars, one hundred per cent. shall be substituted for fifty per cent. of his average weekly earnings, but the weekly payment shall in no case exceed seven dollars and fifty cents.

(2) For the purposes of the provisions of this schedule relating to "earnings" and "average weekly earnings" of a workman, the following rules shall be observed:

- (a) Average weekly earnings shall be computed in such manner as is best calculated to give the rate per week at which the workman was being remunerated. Provided that where by reason of the shortness of the time during which the workman has been in the employment of his employer, or the casual nature of the employment, or the terms of the employment, it is impracticable at the date of the accident to compute the rate of remuneration, regard may be had to the average weekly amount which, during the twelve months previous to the accident, was being earned by a person in the same grade employed at the same work by the same employer, or, if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district;
- (b) Where the workman had entered into concurrent contracts of service with two or more employers under which he worked at one time for one such employer and at another time for another such employer, his average weekly earnings shall be computed as if his earnings under all such contracts were earnings in the employment of the employer for whom he was working at the time of the accident;
- (c) Employment by the same employer shall be taken to mean employment by the same employer in the grade in which the workman was employed at the time of the accident, uninterrupted by absence from work due to illness or any other unavoidable cause;
- (d) Where the employer has been accustomed to pay to the workman a sum to cover any special expenses entailed to him by the nature of his employment, the sum so paid shall not be reckoned as part of the earnings.

(3) In fixing the amount of the weekly payment regard shall be had to any payment, allowance or benefit which the workman may receive from the employer during the period of his incapacity, and in the case of partial incapacity the weekly payment shall in no case exceed the difference between the amount of the average weekly earnings of the workman before the accident and the average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident, but shall bear such relation to the amount of that difference as under the circumstances of the case may appear proper.

(4) Where a workman has given notice of an accident he shall, if so required by the employer, submit himself for examination by a duly qualified medical practitioner provided and paid by the employer, and, if he refuses to submit himself to such examination, or in any way obstructs the same, his right to compensation, and to take or prosecute any proceeding under this Act in relation to compensation, shall be suspended until such examination has taken place.

(5) The payment in the case of death shall, unless otherwise ordered as hereinafter provided, be paid into court, and any sum so paid into court shall, subject to rules of court and the provisions of this schedule, be invested, applied, or otherwise dealt with by the court in such manner as the court in its discretion thinks fit for the benefit of the persons entitled thereto under this Act, and the receipt of the clerk of the court shall be a sufficient discharge in respect of the amount paid in:

Provided, that if so agreed, the payment in case of death shall, if the workman leaves no dependants, be made to his legal personal representative, or, if he has no such representative, to the person to whom the expenses of medical attendance and burial are due.

(6) Rules of court may provide for the transfer of money paid into court under this Act from one court to another court in the province.

(7) Where a weekly payment is payable under this Act to a person under any legal disability the court may, on application being made in accordance

with rules of court, order that the weekly payment be paid during the disability into court, and the provisions of this schedule with respect to sums required by this schedule to be paid into court shall apply to sums paid into court in pursuance of any such order.

(8) Any question as to who is a dependant shall, in default of agreement, be settled by arbitration under this Act, or, if not so settled before payment into court under this schedule, shall be settled by the court, and the amount payable to each dependant shall be settled by arbitration under this Act, or, if not so settled before payment into court under this schedule, by the court. Where there are both total and partial dependants nothing in this schedule shall be construed as preventing the compensation being allotted partly to the total and partly to the partial dependants.

(9) Where, on application being made in accordance with rules of court, it appears to the court that, on account of neglect of children on the part of a widow, or on account of the variation of the circumstances of the various dependants, or for any other sufficient cause, an order of the court or an award as to the apportionment amongst the several dependants of any sum paid as compensation, or as to the manner in which any sum payable to any such dependant is to be invested, applied or otherwise dealt with, ought to be varied, the court may make such order for the variation of the former order or the award, as in the circumstances of the case the court may think just.

(10) Any sum which under this schedule is ordered to be invested may be invested in whole or in part in securities or investments approved by the court by the clerk of the court in his name as clerk.

(11) Any workman receiving weekly payments under this Act shall, if so required by the employer, from time to time submit himself for examination by a duly qualified medical practitioner, provided and paid by the employer. If the workman refuses to submit himself to such examination, or in any way obstructs the same, his right to such weekly payments shall be suspended until such examination has taken place.

(12) A workman shall not be required to submit himself for examination by a medical practitioner under paragraph (4) or paragraph (11) of this schedule otherwise than in accordance with regulations made by the Attorney General or at more frequent intervals than may be prescribed by those regulations.

Where a workman has so submitted himself for examination by a medical practitioner, or has been examined by a medical practitioner selected by himself, and the employer or the workman, as the case may be, has within six days after such examination furnished the other with a copy of the report of that practitioner as to the workman's condition, then, in the event of no agreement being come to between the employer and the workman as to the workman's condition or fitness for employment, the court on application may, on payment by the applicants of such fee not exceeding ten dollars as may be prescribed, refer the matter to a medical referee appointed by the Lieutenant Governor in Council.

The medical referee to whom the matter is so referred shall, in accordance with regulations made by the Attorney General, give a certificate as to the condition of the workman and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit, and that certificate shall be conclusive evidence as to the matters so certified.

Where no agreement can be come to between the employer and the workman as to whether or to what extent the incapacity of the workman is due to the accident, the provisions of this paragraph shall, subject to any regulations made by the Attorney General, apply as if the question were a question as to the condition of the workman.

If a workman, on being required so to do, refuses to submit himself for examination, by a medical referee to whom the matter has been so referred as aforesaid, or in any way obstructs the same, his right to compensation and to take or prosecute any proceeding under this Act in relation to compensation, or, in the case of a workman in receipt of a weekly payment, his right to that weekly payment, shall be suspended until such examination has taken place.

Rules of court may be made for prescribing the manner in which documents are to be furnished or served and applications made under this paragraph and the forms to be used for those purposes and as to the fee to be paid under this paragraph.

(13) Any weekly payment may be reviewed at the request either of the employer or of the workman, and on such review may be ended, diminished,

or increased, subject to the maximum above provided, and the amount of payment shall, in default of agreement, be settled by arbitration under this Act:

Provided that where the workman was at the date of the accident under twenty-one years of age and the review takes place more than twelve months after the accident, the amount of the weekly payment may be increased to any amount not exceeding fifty per cent. of the weekly sum which the workman would probably have been earning at the date of the review if he had remained uninjured, but not in any case exceeding ten dollars.

(14) Where any weekly payment has been continued for not less than six months the liability therefor may, on application by or on behalf of the employer, be redeemed by the payment of a lump sum of such an amount as the court shall deem just, and such lump sum may be ordered by the court to be invested or otherwise applied for the benefit of the person entitled thereto:

Provided that nothing in this paragraph shall be construed as preventing agreements being made for the redemption of a weekly payment by a lump sum.

(15) If a workman receiving a weekly payment ceases to reside in the province, he shall thereupon cease to be entitled to receive any weekly payment unless a medical referee appointed hereunder certifies that the incapacity resulting from the injury is likely to be of a permanent nature. If the medical referee so certifies, the workman shall be entitled to receive quarterly the amount of the weekly payments accruing due during the preceding quarter so long as he proves, in such manner and at such intervals as may be prescribed by rules of court, his identity and the continuance of the incapacity in respect of which the weekly payment is payable.

(16) A weekly payment, or a sum paid by way of redemption thereof, shall not be capable of being assigned, charged or attached, and shall not pass to any other person by operation of law, nor shall any claim be set off against the same.

(17) Where under this schedule a right to compensation is suspended no compensation shall be payable in respect of the period of suspension.

SECOND SCHEDULE.

ARBITRATION, ETC.

(1) For the purpose of settling any matter which under this Act is to be settled by arbitration, if any committee, representative of an employer and his workmen, exists with power to settle matters under this Act in the case of the employer and workmen, the matter shall, unless either party objects by notice in writing sent to the other party before the committee meet to consider the matter, be settled by the arbitration of such committee, or be referred by them in their discretion to arbitration as hereinafter provided.

(2) If either party so objects, or there is no such committee, or the committee so refers the matters or fail to settle the matter within three months from the date of the claim, the matter shall be settled by a single arbitrator agreed on by the parties, or in the absence of agreement by the court, according to the procedure prescribed by rules of court.

(3) *The Arbitration Ordinance* or any Act of the Legislature of Alberta substituted therefor shall not apply to any arbitration under this Act, but a committee or an arbitrator may, if they or he think fit, submit any question of law for the decision of the court, and the decision of the court on any question of law, either on such submission, or in any case where he himself settles the matter under this Act, or where he gives any decision or makes any order under this Act, shall be final, unless within the time and in accordance with the conditions prescribed by rules of the Supreme Court either party appeals to the Supreme Court *en banc*, and the court shall, for the purpose of proceedings under this Act, have the same powers of procuring the attendance of witnesses and the production of documents as if the proceedings were an action in the court.

(4) The court may summon a medical referee to sit with the court as an assessor.

(5) Rules of court may make provision for the appearance in any arbitration under this Act of any party by any other person.

(6) The costs of and incidental to the arbitration and proceedings connected therewith shall be in the discretion of the committee, arbitrator or court, subject as respects such court to rules of court. The costs, whether before a committee or an arbitrator or in the court, shall not exceed the limit prescribed by rules of court, and shall be taxed in manner prescribed by those rules and such taxation may be reviewed by the court.

(7) In the case of the death, or the refusal or inability to act, of an arbitrator, the court may, on the application of any party, appoint a new arbitrator.

(8) Where the amount of compensation under this Act has been ascertained, or any weekly payment varied, or any other matter decided under this Act, either by a committee or by an arbitrator or by agreement, a memorandum thereof shall be sent, in manner prescribed by rules of court, by the committee or arbitrator, or by any party interested, to the clerk of the court, who shall subject to such rules, on being satisfied as to its genuineness, record such memorandum in a special register without fee, and thereupon the memorandum shall for all purposes be enforceable as a judgment of the court:

Provided that—

- (a) No such memorandum shall be recorded before seven days after the despatch by the clerk of notice to the parties interested; and
- (b) Where a workman seeks to record a memorandum of agreement between his employer and himself for the payment of compensation under this Act and the employer, in accordance with rules of court, objects to the recording of such memorandum and proves that the workman has in fact returned to work and is earning the same wages as he did before the accident, then the memorandum shall only be recorded, if at all, on such terms as the court under the circumstances may think just; and
- (c) The court may at any time rectify the register; and
- (d) Where it appears to the clerk of the court, on any information which he considers sufficient, that an agreement as to the redemption of a weekly payment by a lump sum, or an agreement as to the amount of compensation payable to a person under any legal disability, or to dependants, ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence, or other improper means, he may refuse to record the memorandum of agreement sent to him for registration, and refer the matter to the court and the court shall, in accordance with rules of court, make such order (including an order as to any sum already paid under the agreement) as under the circumstances may seem just; and
- (e) The court may, within six months after a memorandum of an agreement as to the redemption of a weekly payment by a lump sum, or of an agreement as to the amount of compensation payable to a person under any legal disability, or to dependants, has been recorded in the register, order that the record be removed from the register on proof to the satisfaction of the court that the agreement was obtained by fraud or undue influence or other improper means, and may make such order (including an order as to any sum already paid under the agreement) as under the circumstances may seem just.
- (9) An agreement as to the redemption of a weekly payment by a lump sum if not registered in accordance with this Act shall not, nor shall the payment of the sum payable under the agreement, exempt the person by whom the weekly payment is payable from liability to continue to make that weekly payment, and an agreement as to the amount of compensation to be paid to a person under a legal disability or to dependants, if not so registered, shall not, nor shall the payment of the sum payable under the agreement, exempt the person by whom the compensation is payable from liability to pay compensation, unless, in either case, he proves that the failure to register was not due to any neglect or default on his part.
- (10) The duty of District Courts under this Act shall, subject to rules of court, be part of the duties of such courts, and the officers of such courts shall act accordingly, and rules of court may be made both for any purpose for which this Act authorizes rules of court to be made, and also generally for carrying into effect this Act so far as it affects such courts, and proceedings therein.

(11) No court fee, except such as may be prescribed under paragraph (12) of the first schedule to this Act, shall be payable by any party in respect of any proceedings by or against a workman under this Act in the court prior to the award.

(12) Any sum awarded as compensation shall, unless paid into court under this Act, be paid on the receipt of the person to whom it is payable under any agreement or award, and the solicitor or agent of a person claiming compensation under this Act shall not be entitled to recover from him any costs in respect of any proceedings in an arbitration under this Act, or to claim a lien in respect of such costs on, or deduct such costs from, the sum awarded or agreed as compensation, except such sum as may be awarded by the committee, the arbitrator, or the court, on an application made either by the person claiming compensation, or by his solicitor or agent, to determine the amount of costs to be paid to the solicitor or agent, such sum to be awarded subject to taxation and to the scale of costs prescribed by rules of court.

(13) Any committee, arbitrator or court may, subject to regulations made by the Attorney General, submit to a medical referee for report any matter which seems material to any question arising in the arbitration.

(14) The Attorney General may, by order, either unconditionally or subject to such conditions or modifications as he may think fit, confer on any committee representative of an employer and his workmen, as respects any matter in which the committee act as arbitrators, or which is settled by agreement submitted to and approved by the committee, all or any of the powers conferred by this Act exclusively on courts or judges thereof, and may by the order provide how and to whom the compensation money is to be paid in cases where, but for the order, the money would be required to be paid into court, and the order may exclude from the operation of provisions (d) and (e) of paragraph (8) of this schedule agreements submitted to and approved by the committee, and may contain such incidental, consequential or supplemental provisions as may appear to the Attorney General to be necessary or proper for the purposes of the order.

WORKMEN'S COMPENSATION ACT, 1908.

Regulations of the Attorney General as to Medical Referees.

REGULATIONS dated 1st October, 1909, made by the Attorney General as to the duties and remuneration of Medical Referees in the Province of Alberta, under the provisions of the First and Second Schedules to *The Workmen's Compensation Act, 1908*.

I, THE HONOURABLE CHARLES WILSON CROSS, Attorney General of the Province of Alberta, in pursuance of the powers conferred upon me by *The Workmen's Compensation Act, 1908*, hereby make the following regulations:

PART I.

DEFINITIONS AND GENERAL REGULATIONS.

1. In these regulations—

1. "Medical referee" means a medical practitioner appointed by the Lieutenant Governor in Council to act as medical referee for the purposes of *The Workmen's Compensation Act, 1908*.

2. "Reference" means—

(a) In regulations in Part II, the appointment of a medical referee by the court, in accordance with the provisions of paragraph 12 of the first schedule of *The Workmen's Compensation Act, 1908*, as to the condition of the workman and his fitness for employment, or as to whether or to what extent the incapacity of the workman is due to the accident;

(b) In regulations in Part III the appointment of a medical referee by the court to give a certificate in accordance with the provisions of paragraph 15 of the first schedule to *The Workmen's Compensation Act, 1908*, as to whether the incapacity resulting from the injury is likely to be of a permanent character;

(c) In regulations in Part V the appointment of a medical referee by a committee, arbitrator or court to report on any matter material to any question arising in an arbitration under *The Workmen's Compensation Act, 1908*.

3. "Committee" means a committee representative of an employer and his workmen, with power to settle matters under *The Workmen's Compensation Act, 1908*, in the case of the employer and workmen.

4. "Agreed arbitrator" means a single arbitrator agreed on by the parties to settle any matter which under *The Workmen's Compensation Act, 1908*, is to be settled by arbitration.

5. "Judge" means a District Court judge.

6. The words "District in which the case arises" mean the judicial district in which all the parties concerned reside, or, if they reside in different districts, the district prescribed by the Rules of Court, subject to any transfer made under those rules.

2. In the case of any reference under these regulations the medical referee, in the absence of special circumstances, shall be one of those appointed by the Lieutenant Governor in Council, for the judicial district in which the case arises:

Provided that where there has been a previous reference in any case, any subsequent reference in the same case shall, if possible, be made to the same referee, and be accompanied by the previous report or certificate, or copy thereof, of the medical referee.

3. The medical referee shall not accept any reference under these regulations unless signed or countersigned by the clerk or judge of a District Court, and sealed with the seal of the District Court.

4. The medical referee shall send to the Department of the Attorney General at the end of each quarter, statements in the form prescribed in the schedule to these regulations, of the fees due to him for the quarter under these regulations.

5. In cases where a claim is made under the regulations in respect of travelling expenses, the medical referee in submitting his quarterly statements under regulation 4, shall certify the distance of the place to which he was required to travel from his residence.

6. In cases involving special difficulty, the medical referee may apply to the Attorney General for special expert assistance which may be granted by the Attorney General if he thinks fit, on such terms as to remuneration or otherwise as he may determine.

7. The clerk of every District Court shall keep a record in the form prescribed in the schedule, of all references made under these regulations, and of all cases in which a medical referee is summoned to sit as assessor, and shall send a copy thereof to the Attorney General at the end of each quarter.

8. These regulations shall come into force on the first day of October, 1909.

PART II.

REGULATIONS AS TO REFERENCES UNDER SCHEDULE I, PARAGRAPH (12).

9. The medical referee shall, on receipt of a reference duly signed and sealed, fix a time and place for the examination of the workman, and shall send notice accordingly to both the parties signing the application on which the reference is made.

10. Before giving the certificate required by the reference, the medical referee shall personally examine the workman and shall consider any statements that may be made or submitted by either party.

11. The certificate given by the medical referee shall be according to the form prescribed in the schedule to these regulations.

12. The medical referee shall forward his certificate to the court from which he received the reference.

13. The following shall be the scale of fees to be paid to medical referees in respect of references under this part of the regulations:

1. For a first reference (to include all the duties performed in connection therewith).....\$15.00

2. For a second or subsequent reference to the same medical referee in the same case\$ 7.50

3. When in order to examine the injured workman the medical referee is compelled to travel to a place distant more than two miles from his residence, in addition to the above fees: \$1.00 for each mile beyond two and up to ten miles distant from such residence or centre, and thereafter 50 cents for each mile distant therefrom.

PART III.

REGULATIONS AS TO REFERENCES UNDER SCHEDULE I, PARAGRAPH (15).

14. The medical referee shall, on receipt of a reference duly signed and sealed, fix a time and place for the examination of the workman, and shall send notice accordingly to the workman.

15. Before giving the certificate required by the reference the medical referee shall make a personal examination of the workman.

16. The certificate given by the medical referee shall be according to the form prescribed in the schedule to these regulations.

17. The medical referee shall forward his certificate to the court from which he received the reference.

18. The fee to be paid to a medical referee in respect of a reference (to include all the duties performed in connection therewith) under this part of these regulations shall be \$2.00.

PART IV.

REGULATION AS TO REMUNERATION OF MEDICAL REFEREE FOR SITTING AS ASSESSOR UNDER SCHEDULE II, PARAGRAPH (4).

19. When a medical referee attends on the summons of the judge for the purpose of sitting with the judge as an assessor, as provided for in paragraph (4) of the second schedule to *The Workmen's Compensation Act, 1908*, he shall be entitled for such attendance (to include his services as assessor) to a fee of \$15 a day, and where, in order so to attend on the judge, he is compelled to travel to a place distant more than two miles from his residence, he shall be entitled, in addition to the above fee, to \$1.00 for each mile beyond two and up to ten miles distant from such residence, and thereafter to 50 cents for each mile distant therefrom.

PART V.

REGULATIONS AS TO REFERENCES UNDER SCHEDULE II, PARAGRAPH (13).

CONDITIONS OF REFERENCE.

20. Before making any reference, the committee, arbitrator or court, shall be satisfied, after hearing all medical evidence tendered by either side, that such evidence is either conflicting or insufficient on some matter which seems material to a question arising in the arbitration and that it is desirable to obtain a report from a medical referee on such matter.

FORM AND MODE OF REFERENCE.

21. Every reference shall be made in writing and shall state the matter on which the report of the medical referee is required, and the question arising in the arbitration to which such matter seems to be material. Such reference shall be in accordance with the form prescribed in the schedule to these regulations, or as near thereto as may be.

The reference shall be accompanied by a general statement of the medical evidence given on behalf of the parties; and if such evidence has been given before a committee or an agreed arbitrator, each medical witness shall sign the statement of his evidence, and may add any necessary explanation or correction.

22. On making the reference to the medical referee, the committee, arbitrator, or court shall make an order in the form prescribed in the schedule, directing the injured workman to submit himself for examination by the medical referee. Before making such order they shall inquire whether he is in a fit condition to travel for the purpose of examination, and if satisfied that he is in a fit condition, they shall by the same order direct him to attend at such time and place as the referee may fix.

It shall be the duty of the injured workman to obey any such order.

If the committee, arbitrator or court is satisfied that the workman is not in a fit condition to travel, they shall so state in the reference.

23. The reference shall be signed, if made by a committee, by the chairman and secretary of the committee; if made by an agreed arbitrator, by the arbitrator; if made by the court in which the arbitration is pending, by the judge of such court.

24. A committee or an agreed arbitrator, making a reference, shall, without naming a medical referee, address the reference in general terms to "one of the medical referees appointed by the Lieutenant Governor in Council for the purposes of *The Workmen's Compensation Act, 1908*," and shall forward it to the clerk of the District Court of the district in which the case arises.

DUTIES OF CLERK.

25. In the case of a reference by a committee or agreed arbitrator, the clerk on receiving the reference—

- (a) Shall see that the reference is in accordance with these regulations and, if it is not, shall return it for amendment;
- (b) Shall submit the reference to the judge of the court, who shall insert the name of the medical referee proper to be appointed;
- (c) Shall, when the reference is in accordance with these regulations, countersign and seal it and forward it forthwith to the medical referee.

(2) In the case of a reference by the court, the clerk of the court in which the arbitration is pending shall sign (or countersign) and seal it, and forward it forthwith to the medical referee.

26. The clerk on receiving a report from a medical referee under regulation 28 shall forthwith file a copy at the court and transmit the report to the committee or arbitrator by whom the reference was made.

If the committee, arbitrator or court shall direct that the parties be at liberty to inspect the report, the clerk shall, on receiving notice of such direction, permit such inspection to be made during office hours, and shall on the application and at the cost of any party, furnish him with a copy of the report or allow him to take a copy thereof.

REPORT OF MEDICAL REFEREE.

27. The medical referee shall, on receipt of a reference duly signed and sealed, appoint a time and a place for the examination of the workman, and shall send him notice accordingly.

28. The medical referee shall give his report in writing and shall forward it to the clerk from whom he received the reference.

29. The committee, arbitrator or court may, by request signed and forwarded in the same manner as the reference, remit the report to the medical referee for a further statement on any matter not covered by the original reference.

FEES.

30. The following shall be the scale of fees to be paid to the medical referees in respect of references under this part of the regulations:

1. For a first reference, to include examination of the injured workman and written report.....\$15.00
2. For a further statement under regulation 29 on any matter not covered by the original reference.....\$ 5.00
3. For a second or subsequent reference to the same referee in a further arbitration on the same case, to include examination if necessary, and written report.....\$ 7.50
4. When in order to examine the injured workman, the medical referee is compelled to travel to a place distant more than two miles from his residence, in addition to the above fees: \$1.00 for each mile beyond two, and up to ten miles distant from such residence, and thereafter 50 cents for each mile distant therefrom.

C. W. CROSS,

Attorney General for the Province of Alberta.

October 1, 1909.

SCHEDULE.

FORM A.

NOTICE BY MEDICAL REFEREE TO EMPLOYER OR SOLICITOR SIGNING THE APPLICATION ON EMPLOYER'S BEHALF.
(Schedule I, (12).)

Workmen's Compensation Act, 1908.

To.....
I hereby give you notice that in accordance with the reference made to me by the judge of the District Court of.....holden at....., under Schedule 1, paragraph (12) of the above named Act, in the case of.....(name and address of workman) I propose to examine the said.....at.....on the.....day of.....at.....o'clock.

Any statements made or submitted by you (or, if notice is addressed to the solicitor, by the employer), will be considered.

Dated this.....day of.....

Signed.....
Medical Referee.

FORM B.

NOTICE BY MEDICAL REFEREE TO WORKMAN OR SOLICITOR SIGNING THE APPLICATION ON WORKMAN'S BEHALF
(Schedule I, (12).)

Workmen's Compensation Act, 1908.

To.....
I hereby give you notice that in accordance with the reference made to me in your case (or, if notice is addressed to the solicitor) in the case of.....(name and address of workman) by the judge of the District Court of.....holden at.....under Schedule I, paragraph (12) of the above named Act, I propose to

examine you (or, the said.....) at.....
on the.....day of.....at.....
o'clock.

And you are required to submit yourself (or, the said.....
is required to submit himself) for examination accordingly.

Any statements made or submitted by you (or if notice is addressed to the
solicitor, by the workman) will be considered.

Dated this.....day of.....
(Signed).....

Medical Referee.

FORM C.

CERTIFICATE OF MEDICAL REFEREE AS TO CONDITION OF WORKMAN AND
FITNESS FOR EMPLOYMENT, OR AS TO WHETHER OR TO WHAT EXTENT
INCAPACITY OF WORKMAN IS DUE TO THE ACCIDENT.
(Schedule I, (12).)

Workmen's Compensation Act, 1908.

In accordance with the reference made to me by the judge of the District
Court of.....holden at.....
upon the application of.....(names and addresses of
parties) I have on the.....day of.....
examined the said.....(name of workman) and I
hereby certify as follows:

1. The said.....is.....
(describe state of health) and his condition is such that he is.....
(state whether workman is fit for his ordinary or other work, specifying where
necessary the kind of work or whether he is unfit for work of any kind).

2. The incapacity of the said.....is (state whether
or to what extent the incapacity is due to the accident).

NOTE.—Either paragraph 1 or paragraph 2 to be filled up or both to be
filled up, according to the terms of the reference.

Dated this.....day of.....
(Signed).....

Medical Referee.

FORM D.

NOTICE BY MEDICAL REFEREE TO WORKMAN
(Schedule I, (15).)

Workmen's Compensation Act, 1908.

To.....
I hereby give you notice that in accordance with the reference made to
me in your case by the judge of the District Court of.....
holden at.....under Schedule I, paragraph (15) of
the above named Act, I propose to examine you at.....
on the.....day of.....at.....
o'clock, and you are required to submit yourself for examination accordingly.

Dated this.....day of.....
(Signed).....

Medical Referee.

FORM E.

CERTIFICATE OF MEDICAL REFEREE
(Schedule I, (15).)

Workmen's Compensation Act, 1908.

In accordance with the reference made to me by the judge of the District
Court of.....holden at.....
under Schedule I, paragraph (15) of the above named Act, I have on the

.....day of.....examined.....
 of.....(name and address of workman) and I hereby
 certify that his incapacity is (or, is not) likely to be of a permanent nature.
 Dated this.....day of.....
 (Signed).....
 Medical Referee.

FORM F.

REFERENCE TO A MEDICAL REFEREE,
(Schedule II, (13).)

In the matter of *The Workmen's Compensation Act*, 1908,
 and

In the matter of an arbitration between,—

A.B.,
 (Address).....
 (Description).....Applicant
 and

C.D.,
 (Address).....
 (Description).....Respondent

(a) We,....., a committee representative of
and his workmen, and empowered to arbitrate
 in the matter arising under *The Workmen's Compensation Act*, between
 A.B. and C.D.;

(b) I,.....an arbitrator agreed upon by A.B.
 and C.D. to arbitrate in the matter arising between them under *The Workmen's
 Compensation Act*, 1908;

(c) I,.....judge of the District Court (as the
 case may be), having heard the evidence tendered by both parties hereby
 certify that in our (or, my) opinion the medical evidence given before us
 (or, me) is conflicting (or, insufficient) on a matter which seems to us (or,
 me) to be material to a question arising in the above mentioned arbitration,
 and that it is desirable to obtain a report from a medical referee on such
 matter, as follows:

(A) On the.....day of.....
 personal injury was (or, is alleged to have been) caused to (*).....
 by accident arising out of and in the course of his employment under the
 following circumstances: (†).....

(B) The matter on which we are (or, I am) satisfied that it is desirable
 to obtain a report is.....

(C) Such matter seems to be material to the following question arising
 in the arbitration, viz.:.....

We (or, I) therefore appoint (‡).....
 one of the medical referees appointed by the Lieutenant Governor in Council
 for the purpose of *The Workmen's Compensation Act*, 1908, to examine the
 said*.....on the matter specified above, and
 report to us (or, me).

A statement of the medical evidence given before us (or, me) is appended.

We are (or, I am) satisfied that the said.....
 who is now at.....is in a fit condition to travel
 for the purpose of being examined and he has been directed to attend on
 the referee for examination at such time and place as shall be fixed by the
 referee; or does not appear to be in a fit condition to travel for the purpose
 of being examined.

The referee is requested to forward his report to the clerk of the District
 Court,.....on or before the.....
 day of.....

Dated this.....day of.....
 (Signed) (¶).....

or On behalf of the Committee.

.....Chairman.
Secretary.

.....
 Signature of Clerk and
 Seal of Court.

A previous reference was made to a medical referee in this case on the19....., and a copy of the report then given is attached.

- (*) Insert name of injured workman.
- (†) Here state the facts of the accident as ascertained from the evidence.
- (‡) The name must if the reference is made by a committee or agreed arbitrator be left in blank to be inserted by the clerk.
- (¶) For signature of judge or arbitrator.

FORM G.

ORDER ON INJURED WORKMAN TO SUBMIT HIMSELF FOR EXAMINATION BY MEDICAL REFEREE.

(Title as in Reference.)

To.....(address)
of.....(description)

Take Notice:

That the committee (*or*, arbitrator) or judge have (*or*, has) appointed one of the medical referees under *The Workmen's Compensation Act*, 1908, to examine you for the purpose of the above mentioned arbitration, and to report to them (*or*, him).

You are hereby required to submit yourself for examination by such referee (*).....and to attend for that purpose at such time and place as may be fixed by him.

Dated this.....day of.....
(*to be signed in the same manner as reference*).

- (*) Strike out from "and to attend" when injured workman does not appear to be in a fit condition to travel.

FORM H.

NOTICE BY MEDICAL REFEREE TO INJURED WORKMAN. (Schedule II, (13) *Workmen's Compensation Act*, 1908.)

To.....
I hereby give you notice that I have been appointed to examine and report in your case under Schedule II, paragraph (13) of the above named Act, and that I propose to make such examination at.....
on the.....day of.....at.....
o'clock.

(Signed).....
Medical Referee.

FORM I.

MEDICAL REFEREE'S STATEMENT OF FEES IN RESPECT OF REFERENCES UNDER SCHEDULE I, (12).

[illegible]

TOTAL.....\$

Endorsement to be made
on back of statement:

I hereby certify that I examined the above mentioned
..... (name of workman)
on at
which is distant miles from my residence.
..... (Signed)

FORM J.

MEDICAL REFEREE'S STATEMENT OF FEES IN RESPECT OF REFERENCES UNDER SCHEDULE I, (15).

WORKMEN'S COMPENSATION

Cap. 12

1908

Number	Name of workman	Date on which reference received	Clerk from whom received	Date of examination	Date on which certificate sent to Clerk	Whether incapacity certified to be permanent or not	Fees under Regulation 18	Payments under Regulation 6
							\$	\$

TOTAL

\$.....

FORM K.
MEDICAL REFEREE'S STATEMENT OF FEES FOR ATTENDANCE AS ASSESSOR UNDER SCHEDULE II, (4).

Number	Date on which summons received	Clerk from whom summons received	Date and place of attendance	Fees under regulation 19	
				For attendance \$	for miles travelled \$

FORM L.

MEDICAL REFEREE'S STATEMENT OF FEES IN RESPECT OF REFERENCES UNDER SCHEDULE II, (13).

Number	Names of parties	Date on which reference received	Clerk from whom received	Date and place of examination	Date on which report sent	Amount of fees under each of the headings in Reg. 30				Payments under Regulation 6
						(i)	(ii)	(iii)	(iv)	

TOTAL.....\$

*I hereby certify that I have examined the above mentioned.....(name of workman) on.....at
which is distant.....miles from my residence

(Signed).....
 *Endorsement to be made on back of statement.

FORM M.

RECORD OF REFERENCES, ETC., TO BE KEPT BY CLERK.

District.....	Name of Clerk.....	For Quarter ended.....					
Number of Reference (1)	Names of Parties (2)	Workman's Employment (3)	Date on which Reference forwarded to Medical Referee (4)	Provision in the Act under which Reference is made and if under Sche- dule II, (13) by whom made* (5)	Whether workman directed to attend on Medical Referee or not (6)	Medical Referee appointed (7)	Date and number of previous Refer- ence in same case, if any (8)

*Here say whether Committee, agreed Arbitrator or District Court Judge.

NOTE.—In cases where there is no reference, but the medical referee is summoned to sit as assessor, the clerk should write a note to that effect across columns 4, 5 and 6.

THE WORKMEN'S COMPENSATION RULES

THE WORKMEN'S COMPENSATION ACT, 1908.

Preliminary.

1. (1) The word "Court" or "District Court" when used in these Rules shall mean the District Court of the district in which all the parties concerned reside, or if they reside in different districts then of the district in which the accident out of which the matter arose occurred, or any judge of such District Court; and the word "clerk" when used in these Rules shall mean the clerk of such court.

(2) The following Rules shall have effect under *The Workmen's Compensation Act*, 1908 (in these Rules referred to as the Act), with reference to any matter or proceeding for the regulation of which Rules of Court may be made under the Act, and generally for carrying the Act into effect so far as it affects the court and proceedings in the court. Effect, short title, commencement and construction of rules

(3) These Rules may be cited as the Workmen's Compensation Rules, 1908, and shall come into operation on the first day of January, one thousand nine hundred and nine; but they shall not, except so far as they relate to references to medical referees and proceedings consequential thereon, apply to any case where the accident happened before the commencement of the Act.

(4) Expressions used in these Rules shall have the same meaning as the same expressions used in the Act.

(5) *The Interpretation Act* shall apply for the purpose of the interpretation of these Rules as it applies for the purpose of the interpretation of an Act of the Legislature.

(6) These Rules shall also be read and construed with the rules governing procedure in the District Courts, being the Rules of Court of the Supreme Court of Alberta, in so far as the same are from their nature applicable, and the rules of subsequent date amending the same; and any Order and Rule referred to by number in these Rules shall mean the Order and Rule so numbered in the said Rules so governing procedure in the District Courts, or in any Rules of subsequent date, as the case may be.

Parties to Arbitration before Judge.

2. (1) When application is made for the settlement by the judge, of any matter which under the Act is to be settled by arbitration, the party making such application shall be called "the applicant;" and, subject to these Rules, all other persons whose presence at the arbitration may be necessary to enable the judge effectively and completely to adjudicate upon and settle all the questions involved shall be made parties to the application, and shall be called "the respondents." Parties to arbitration

(2) In any case in which both the principal as defined by the Act and a contractor with him are alleged to be liable to pay compensation under the Act, Order VI, Rule 29 and the other cognate rules, as to joinder of defendants, shall, with the necessary modifications, apply so far as the same are applicable.

3. More persons than one may be joined as applicants in one arbitration, in any case in which such persons might be joined in one action as plaintiffs under Order VI, Rule 26; and that Rule, and the other cognate rules as to joinder of plaintiffs and Order VII, Rule 79 as to joinder of causes of action, shall with the necessary modifications, and so far as the same are applicable, apply to any such arbitration. Joinder of applicants

4. (1) An application on behalf of the dependants of a deceased workman for the settlement by arbitration of the amount payable as compensation to such dependants may be made by the legal personal representative, if any, of the deceased workman on behalf of such dependants, or by the dependants themselves; and in either case the particulars to be filed as hereinafter mentioned shall contain particulars as to the dependants on whose behalf the application is made. Application by dependants

(2) Provided, that if there is any conflict of interest between the dependants themselves, or if any dependants neglect or refuse to join in an application, the application may be made by or on behalf of some only of such dependants, the other dependants in either case being named as respondents.

(3) In the construction of this Rule the term "dependants" shall include persons who claim or may be entitled to claim to be dependants, but as to whose claim to rank as dependants any question arises.

Application by
dependants
under Act

5. (1) In any case in which the amount payable as compensation to the dependants of a deceased workman has been agreed upon or ascertained, but any question arises as to who are dependants, or as to the amount payable to each dependant, an application for the settlement of such question by arbitration may be made either by the legal personal representatives, if any, of the deceased workman on behalf of the dependants or any of them, or by such dependants or any of them, against the other dependants, and the persons claiming or who may be entitled to claim to be dependants but as to whose claim to rank as such a question arises; or such application may be made by the persons claiming to be dependants, but as to whose claim to rank as such a question arises, or any of them, against the legal personal representative, if any, of the deceased workman, and the dependants, and such of the persons claiming or who may be entitled to claim to be dependants as are not applicants.

Sched. 1,
par. 8, where
amount of
compensation
agreed or
ascertained

(2) In any such case, if the employer has paid the agreed or ascertained amount of compensation, it shall not be necessary to make him a respondent, but if such compensation or any part thereof is still in his hands he shall be made a respondent.

(3) The employer, if made a respondent, may pay the amount of compensation in his hands into court, to be dealt with as the judge shall direct, and thereupon further proceedings against him shall be stayed.

Parties to
arbitration
as to sum
payable for
medical
attendance
and burial.
Act, Sch. 1,
par. 1 (a) (iii).

6. (1) An application for the settlement by arbitration of the sum payable in respect of medical attendance on and the burial of a deceased workman who leaves no dependants shall be made by the legal personal representatives, if any, of the deceased workman. If there is no such legal personal representative, the application may be made by any person to whom such expenses are due. In the latter case any other person known to the applicant as a person to whom any such expenses are due shall be joined in the application either as applicant or respondent.

Apportionment
of such sum

(2) In any case in which application is made for the settlement by arbitration of such amount, the amount awarded, if sufficient for the payment of such expenses in full, shall be apportioned between the persons to whom such expenses are due in such manner as the judge shall direct.

Parties under
disability and
partners;
representation
of parties
having the
same interest

7. The provisions of Order VI, Rule 34, as to parties suing or defending on behalf of other persons having the same interest, and the provisions of the Rules as to persons under disability and partners suing and being sued, shall, with the necessary modifications, apply to proceedings by way of arbitration under the Act.

Application for Arbitration.

Request for
arbitration

8. (1) An application for the settlement of any matter by arbitration shall not be made unless and until some question has arisen between the parties, and such question has not been settled by agreement.

(2) Where any question has arisen and has not been settled by agreement, an application for the settlement of the matter by arbitration shall be made by the applicant filing with the clerk a request for arbitration, intituled in the matter of the Act and in the matter of the arbitration, which request shall state concisely the question which has arisen, and shall, with the subsequent proceedings thereon, be recorded in the special register hereinafter mentioned.

Particulars

- (3) Particulars shall be appended or annexed to the request, containing—
- (a) A concise statement of the circumstances under which the application is made, and the relief or order which the applicant claims;
 - (b) The date of service of notice of the accident on the employer, or, if such notice has not been served, the reason for such omission; and

- (c) The full names and addresses of the respondents and of the applicant, and of his solicitor, if the proceedings are commenced through a solicitor.

9. (1) The request and particulars shall be according to such one of the forms in the Appendix as shall be applicable to the case, with such modifications as the nature of the case may require. Forms of request and particulars Forms 1 to 6

(2) A copy of the notice of the accident shall be appended or annexed to the particulars. If this Rule cannot be complied with, the reason for the omission shall be stated in the particulars.

10. (1) Where an employer on whom a claim for compensation has been made desires to make an application for the settlement of any matter by arbitration, he shall file a request for arbitration in accordance with Rule 8, to which the workman, or the legal personal representative, if any, and the persons claiming or who may be entitled to claim to be dependants of a deceased workman, or the other persons (as the case may be) on whose behalf the claim was made, shall be respondents. Application by employer

(2) Particulars shall be appended or annexed to the request, containing—

- (a) A concise statement of the circumstances under which the application is made;
- (b) A statement whether the applicant admits his liability to pay compensation, or denies such liability, wholly or partially, with (in the latter case) a statement of the grounds on and extent to which he denies liability;
- (c) A statement of the matters which the applicant desires to have settled by arbitration; and
- (d) The full names and addresses of the respondents and of the applicant, and of his solicitor, if the proceedings are commenced through a solicitor.

11. The applicant shall deliver to the clerk with the request and particulars a copy thereof for the judge, and a copy for each respondent to be served. Copies for judges and respondents

12. Where the applicant is illiterate and unable to furnish the required information in writing, the request and particulars and copies shall be filled up by the clerk. Where applicant is illiterate

*Proceedings on Arbitration before Judge.
Fixing Day and Place for Arbitration.*

13. (1) On the filing of a request for arbitration, the clerk shall transmit a copy of the request and particulars to the judge, who shall as soon as conveniently may be, appoint a day and hour for proceeding with the arbitration. Such day shall be so fixed as to allow the copies of the request and particulars to be served on the respondents at least twenty clear days before the day so fixed. Fixing day and place for arbitration

(2) The arbitration shall, subject as hereinafter mentioned be held at the place at which the court is held.

(3) Provided that the judge may direct that the arbitration shall be held at any other place within the district of the court, on application in that behalf made by any party to the arbitration, and on such party filing and undertaking to provide at his own expense a place to the satisfaction of the judge in which the arbitration may be held, and to pay the necessary expenses of the judge and officers of the court attending at such place.

(4) If such direction is given before the notices mentioned in the next following Rule are issued, the clerk shall insert in such notice the place at which the arbitration has been so directed to be held.

(5) If such direction is given after such notices have been issued, the clerk shall forthwith send notice by post to the parties of the place at which the arbitration has been so directed to be held.

Notice of Day Fixed.

14. (1) On the day for proceeding with an arbitration being fixed, the clerk shall give or send by post notice in writing to the applicant, stating the place at which and the day and hour on and at which the arbitration will be proceeded with, and shall issue the copies of the request and particulars, under the seal of the court, for service on the respondents, together with notices signed by the clerk himself, and under the seal of the court, Notice to parties

stating the place at which and the day and hour on and at which the arbitration will be proceeded with, and that if the respondents do not attend in person or by their solicitors such order will be made and proceedings taken as the judge may think just and expedient.

Notice where
employer is
applicant
Forms 7 and 8

(2) Where the request is filed by an employer, the notices to be served on the respondents shall be modified by the omission of the words therein relating to the denial or admission of liability to pay compensation.

Service on Respondents.

Service on
respondents

15. (1) The copies and notices mentioned in the last preceding Rule shall be served on the respondents at least twenty clear days before the day fixed for proceeding with the arbitration.

(2) The copies and notices mentioned in the last preceding Rule may be served—

(a) By the sheriff or a bailiff;

or, at the request of the applicant or his solicitors;

(b) By the applicant, or some clerk or servant in his permanent and exclusive employ; or

(c) By the applicant's solicitor, or a solicitor acting as agent for such solicitor, or some person in the employ of either of them, or some person employed by either of them to serve such copies and notices, who might be so employed to serve a writ in an action in the Supreme Court.

Act, s. 4,
sub-ss. 3, 4

(3) Service may be effected either in accordance with the Rules as to service of writs of summons, or by registered post in accordance with the provisions of subsections 3 and 4 of section 4 of the Act with reference to service of notice in respect of an injury, and the provisions of those subsections shall apply to such service.

Where service
effected
otherwise
than by
sheriff or
bailiff

(4) Where service is effected otherwise than by a bailiff, a copy of the document served, with the date and mode of service endorsed thereon, shall within three clear days next after the date of service, or such further time as may be allowed by the clerk of the court issuing such document, be delivered or transmitted to such clerk by the applicant. The applicant shall also (unless the respondent files an answer) after the time limited for filing an answer, deliver or transmit to the clerk an affidavit of the service of such document.

Service
by post

(5) Where a document is served by post, it shall, unless the contrary be proved, be deemed to have been served at the time when the letter containing the same would have been delivered in the ordinary course of post, and in proving the service of such document it shall be sufficient to prove that the same was properly addressed and registered.

Stay of Proceedings.

Stay of
proceedings
in other
arbitrations
to abide
decision as to
liability in
selected
arbitration

16. Where several requests for arbitration are filed by different applicants against the same respondent in the same court in respect of matters arising out of the same circumstances, the respondent may, on filing an undertaking to be bound, so far as his liability to pay compensation is concerned, by the award in such one of the said arbitrations as may be selected by the judge, apply to the judge for an order to stay proceedings in the arbitration other than the one so selected until an award is made in such selected arbitration.

Answer by Respondent.

Answer by
respondent

17. (1) If any respondent desires to disclaim any interest in the subject matter of an arbitration, or considers that the applicant's particulars are in any respect inaccurate or incomplete, or desires to bring any fact or document to the notice of the judge, or intends to rely on the fact that notice of the accident, or of death, disablement, or suspension, was not given as required by the Act, or that the claim for compensation was not made within the time limited by the Act, or intends to deny (wholly or partially) his liability to pay compensation under the Act, he shall, ten clear days at least before the day fixed for proceeding with the arbitration, file with the clerk an answer, stating his name and address, and the name and address of his solicitor (if any) and stating that he disclaims any interest in the subject matter of the arbitration, or stating in what respect the applicant's particulars are inaccurate or incomplete, or stating concisely any fact or document which he desires to bring to the notice of the judge, or on which he intends to rely, or the grounds on and extent to which he denies liability.

Form 9

(2) The respondent shall with such answer file copies thereof for the applicant and the judge, and one copy for each of the other respondents; and the clerk shall within twenty-four hours after receiving such copies transmit the same by post to the applicant and the judge and the other respondents respectively.

(3) Subject to any answer so filed, and to the provisions of the next following paragraph, the applicant's particulars, and, in the case of a claim for compensation, the liability to pay compensation under the Act, shall be taken to be admitted.

(4) Provided, that in case of noncompliance with this Rule, and of the applicant's not consenting at the arbitration to permit a respondent to avail himself of any matter of which he should pursuant to this Rule have given notice by filing an answer, the judge may, on such terms as he shall think fit, either proceed with the arbitration and allow the respondent to avail himself of such matter, or adjourn the arbitration to enable the respondent to file such answer.

(5) The provisions of this Rule shall, with the necessary modifications, apply to a case in which a request for arbitration is filed by an employer; but a respondent who fails to file an answer shall not be taken to admit the truth of any statement in the applicant's particulars in which he denies, wholly or partially, his liability to pay compensation. Answer where employer is applicant

Submission to Award or Payment into Court by Respondent.

18. (1) Where a respondent from whom compensation is claimed admits liability, he may at any time before the day fixed for proceeding with the arbitration— Submission to award or payment into court by respondent Form 10

- (a) Where the application is made by an injured workman, file with the clerk a notice that the respondent submits to an award for the payment of a weekly sum, to be specified in such notice; or
- (b) Where the application is made on behalf of the dependants of a deceased workman, or for the settlement of the sum payable in respect of medical attendance on and the burial of a deceased workman who leaves no dependants, pay into court such sums of money as the respondent considers sufficient to cover his liability in the circumstances of the case.

(2) The clerk shall within twenty-four hours from the time of any notice filed or payment made pursuant to the last preceding paragraph send notice thereof (with, where a notice is filed, a copy of such notice) to the applicant, and to the other respondents (if any). Forms 11, 12

(3) If the applicant is a workman, and elects to accept in satisfaction of his claim the weekly payment specified in the respondent's notice, he shall send to the clerk and to the respondent by post, or leave at the clerk's office and at the residence or place of business of the respondent, a written notice according to the form in the appendix, stating such acceptance, within such reasonable time before the day fixed for proceeding with the arbitration as the time of filing of notice of submission by the respondent has permitted. Acceptance of weekly payment offered. Form 13

(4) If the application for arbitration is made on behalf of the dependants of a deceased workman, or for the settlement of the sum payable in respect of medical attendance and burial as aforesaid, and the applicant is willing to accept the sum paid into court in satisfaction of the compensation payable to the dependants, or in respect of such medical attendance and burial (*as the case may be*), he shall send to the clerk and to the respondent by post, or leave at the clerk's office and at the residence or place of business of the respondent, a written notice of such willingness, according to the form in the appendix, within such reasonable time before the day fixed for proceeding with the arbitration as the time of payment into court by the respondent has permitted. Acceptance of sum paid into court. Form 13

If there are any other respondents, the applicant shall in like manner give notice of such willingness to such respondents; and if any of such respondents are willing to accept the sum paid into court in satisfaction of such compensation as aforesaid, they shall in like manner give notice of such willingness to the clerk and to the applicant and the other respondents.

(5) If the applicant is a workman, and elects to accept in satisfaction of his claim the weekly payment submitted to by the respondent, or if in any other case the applicant and all the respondents give notice of their willingness to accept the sum paid into court, the following provisions shall apply: Procedure if weekly payment offered or sum paid in is accepted

(a) Where the respondent submits to an award for the payment of a weekly sum, the judge may, on application made to him in or out of court, forthwith make an award directing payment of such weekly sum accordingly.

(b) Where the respondent has paid money into court, further proceedings against such respondent shall be stayed, except as hereinafter mentioned; and

(i) If the applicant and the other respondents agree as to the apportionment and application of such sum, the judge may, on application made to him in or out of court on behalf of or with the consent of all such parties, forthwith make an award for such apportionment and application;

(ii) In any other case the arbitration may proceed as between the applicant and the other respondents.

Costs payable
by respondents

(c) In any such case the judge may, in his discretion, by his award order the respondent filing notice of submission to an award or paying money into court to pay such costs as the applicant and the other respondents, or any of them, may have properly incurred before the receipt of notice of submission to an award or payment into court, including, if the judge on consideration of the facts of the case shall so order, any items which might have been allowed by order of the judge at the hearing of the arbitration.

Form 13

(d) If the applicant or any respondent intends to apply for any such costs, he shall give notice of his intention in his notice of acceptance, according to the form in the appendix; or where the time of filing notice of submission to an award or the time of payment into court by the respondent does not permit of notice of acceptance being given, the applicant or any respondent may apply for such costs without giving such notice.

Acceptance
at any time
before
arbitration
opens

Costs

(6) Where any party has not given notice of acceptance in accordance with this Rule, he may nevertheless accept the weekly payment which the respondent has submitted to pay or the sum paid into court, at any time before the arbitration is called on and opened, subject to the payment of any costs which may have been reasonably incurred by the respondent since the date of filing notice of submission or the date of payment into court, and which may be allowed by the judge; and the judge may order any costs so allowed to be paid by the party so accepting and may order such costs to be set off against any costs payable to such party, or to be deducted from any weekly payment or compensation awarded to such party.

Procedure and
costs if weekly
sum offered or
sum paid in is
not accepted

(7) In default of notice of acceptance by the applicant and all the respondents, the arbitration may proceed; but if no greater weekly payment or compensation is awarded than that which the respondent has submitted to pay or has paid into court, such respondent shall not be liable to pay any further costs than such as he might have been ordered to pay if the weekly payment offered or sum paid into court had been accepted; and the judge may order any costs incurred by such respondent after notice of submission to an award or payment into court to be paid by any party who has not given notice of acceptance of such weekly payment or sum, and may order such costs to be set off against any costs payable to such party, or to be deducted from any weekly payment or compensation awarded to such party. The judge may also order any costs incurred after notice of payment into court by any party who has given notice of acceptance to be paid by any other party who has not given such notice, and to be deducted from any compensation awarded to such last mentioned party.

Submission to
award or pay-
ment into
court where
employer is
applicant

(8) The provisions of this Rule shall, with the necessary modifications, apply to a case in which an employer who has filed a request for arbitration admits liability to pay compensation.

*Notice to Parties Against Whom Indemnity Claimed
Under Section 6.*

Notice of
claim to
indemnity
under s. 6

19. Where a respondent claims to be entitled under section 6 of the Act to indemnify against any person not a party to the arbitration, he shall, ten clear days at least before the day fixed for proceeding with the arbitration, file a notice of his claim according to form in the appendix; and the clerk shall seal such notice and deliver it to the respondent, who shall serve the same, together with a copy of the applicant's request and particulars, and

of the notice served on the respondent under Rules 14 and 15, upon the person against whom such claim is made; and the provisions of paragraphs 2 to 5 of Rule 15 shall apply to such service.

20. If any person served with a notice under the last preceding Rule (hereinafter called the third party) desires to dispute the applicant's claim in the arbitration as against the respondent on whose behalf the notice has been given, or his own liability to such respondent, he must appear before the judge on the day fixed for proceeding with the arbitration, or on any day to which he may have received notice from the clerk that the arbitration has been adjourned or postponed; and in default of his so doing he shall be deemed to admit the validity of any award made against such respondent as to any matter which the judge has jurisdiction to decide in the arbitration as between the applicant and the respondent, whether such award is made by consent or otherwise, and his own liability to indemnify the respondent to the extent claimed in the notice served on him by the respondent:

Provided, that if it appears to the judge before or at the arbitration that the notice of claim has not been served on the third party in time to enable him to appear on the day hereinbefore mentioned, or that for any other sufficient cause the third party is unable to appear on such day, the judge may adjourn the proceedings in the arbitration on such terms, as to costs and otherwise, as may be just.

21. If the third party fails to appear on the day mentioned in Rule 20, or, if the proceedings are adjourned under that Rule, on the day to which the proceedings are adjourned, then if the arbitration results in an award in favour of the applicant, or the arbitration is finally decided in favour of the applicant otherwise than by an award, the judge may on the application of the respondent make such award as the nature of the case may require in favour of the respondent against the third party; but execution thereon shall not issue without leave of the judge until after satisfaction by the respondent of the award against him, or the amount recovered against him:

Provided, that the judge may set aside or vary any award made against the third party under this Rule upon such terms as may be just.

22. The third party or the respondent may apply before or at the arbitration to the judge for directions; and the judge, upon the hearing of the application, may, if satisfied that there is a question proper to be determined as to the liability of the third party to make the indemnity claimed, in whole or in part, order the question of such liability as between the third party and the respondent giving the notice to be determined at or after the arbitration, and if not so satisfied may make such award as the nature of the case may require in favour of the respondent giving the notice against the third party; or the judge may, if it appears desirable so to do, give the third party leave to resist the claim of the applicant against the respondent upon such terms as may be just, or to appear at the arbitration and take such part therein as may be just, and generally may give such directions as he may think proper for having the question most conveniently determined, and as to the mode or extent in or to which the third party shall be bound or made liable by the award in the arbitration.

23. The judge may decide all questions of costs as between a third party and the other parties to the arbitration, and may order any one or more to pay the costs of any other or others, or give such directions as to costs as the justice of the case may require.

*Notice to Parties Against Whom Indemnity Claimed Under
Section 8, or Otherwise.*

24. (1) Where a respondent claims that if compensation is recovered against him he will be entitled under section 8 of the Act, or otherwise than under section 6, to indemnity against any person not a party to the arbitration, he shall file and serve a notice of his claim in accordance with Rule 19.

(2) If any person served with a notice under the last preceding paragraph (hereinafter called the third party) desires to dispute the applicant's claim in the arbitration as against the respondent on whose behalf the notice has been given, he must appear before the judge on the day fixed for proceeding with the arbitration, or on any day to which he may have received notice from the clerk that the arbitration has been adjourned or postponed; and in default of his so doing he shall be deemed to admit the validity of any

Appearance by
third party

Where notice
not served in
due time

Proceedings on
default of
appearance by
third party

Application
for directions
What directions
may be given

Costs

Notice of
claim to
indemnity
under s. 8 or
otherwise than
under s. 6.
Forms 15, 16, 17
If person served
makes default
in appearing,
he is to be
deemed to
admit validity
of award
against
respondent

award made against such respondent as to any matter which the judge has jurisdiction to decide in the arbitration as between the applicant and the respondent whether such award is made by consent or otherwise:

Where notice
not served in
due time

Provided, that if it appears to the judge before or at the arbitration that the notice of claim has not been served on the third party in time to enable him to appear on the day hereinbefore mentioned, or that for any other sufficient cause the third party is unable to appear on such day, the judge may adjourn the proceedings in the arbitration on such terms, as to costs or otherwise, as may be just.

Application
to judge for
directions as
to conduct of
arbitration

(3) The third party or the respondent may apply before or at the arbitration to the judge for directions; and the judge, upon the hearing of the application, may, if it appears desirable so to do, give the third party leave to resist the claim of the applicant against the respondent upon such terms as may be just, or to appear at the arbitration and take such part therein as may be just, and generally may give such directions as he shall think proper.

Costs

(4) If the third party obtains leave to resist the claim of the applicant against the respondent, the provisions of Rule 23 as to costs shall apply.

Judge how far
empowered to
decide
questions as
to liability of
third party

(5) Nothing in this Rule shall empower the judge to decide (otherwise than by consent) any question as to the liability of the third party to indemnify the respondent, or to make any award in favour of the respondent against the third party, or to make any further or other order than that the third party shall not be entitled in any future proceedings between the respondent and such third party to dispute the validity of the award as to any matter which the judge has jurisdiction to decide in the arbitration as between the applicant and the respondent.

(6) Provided, that with the consent of the respondent and the third party,

(a) If the arbitration results in an award in favour of the applicant, or is finally decided in favour of the applicant otherwise than by an award, and the third party admits his liability to indemnify the respondent, the judge may, on application made to him at or after the hearing of the arbitration or the final decision thereof, make such award as the nature of the case may require in favour of the respondent against the third party; but execution thereon shall not issue without leave of the judge until after satisfaction by the respondent of the award against him; or

(b) The judge may, on an application for directions, order any question as to the liability of the third party to make the indemnity claimed to be settled, as between the respondent and the third party, by arbitration after the arbitration between the applicant and the respondent, and may on such subsequent arbitration make such award as the nature of the case may require in favour of either party against the other.

(c) In any such case the judge may decide all questions of costs as between the respondent and the third party, and may order either of such parties to pay the costs of the other (including any costs payable by such party to any other party to the arbitration), or give such directions as to such costs as the justice of the case may require.

Third Party Procedure Where Employer is Applicant.

Third party
procedure
where employer
is applicant

25. The provisions of Rules 20 and 24 shall, with the necessary modifications, apply to a case in which an employer who has filed a request for arbitration claims to be entitled to indemnity against any person not a party to the arbitration.

Claim to Indemnity as Between Respondents.

Claim to
indemnity as
between
respondents

26. (1) Where a respondent claims to be entitled to indemnity against any other respondent, a like notice shall be issued and the like procedure shall thereupon be adopted for the determination of questions between the respondents as might be issued and adopted against such other respondent if such last mentioned respondent were a third party.

(2) Nothing herein contained shall prejudice the rights of the applicant against any respondent.

Procedure in Arbitration.

27. (1) Subject to the special provisions of these Rules, the procedure in an arbitration shall be the same as the procedure in an action commenced in the district court by writ of summons in the ordinary way, and determined by the judge without a jury; and the statutory provisions and rules for the time being in force relating to such actions shall, with the necessary modifications, apply to such arbitration accordingly; and in the application of such provisions and rules the applicant's request for arbitration shall be deemed to be a writ of summons with statement of claim and particulars annexed, the day fixed for proceeding with the arbitration shall be deemed to be the day for filing a dispute to such a writ, and the applicant and respondents shall be deemed to be plaintiff and defendants respectively.

(2) Provided, that the burden of proof of any facts which are not admitted shall be the same, whoever the party may be by whom the request for arbitration is filed.

Procedure
in arbitration

Burden of
proof of
facts not
admitted

Award.

28. (1) The award of the judge on any arbitration shall be prepared and settled by the clerk, and shall be signed by the judge, and shall be sealed and filed, and sealed copies thereof shall be served on all persons affected thereby; and such award shall be enforceable in the same manner as a judgment or order of the court.

(2) The judge shall have power at any time to correct any clerical mistake or error in such award arising from any accidental slip or omission.

29. (1) Where a committee or an arbitrator submits any question of law for the decision of the judge under paragraph 3 of the second schedule to the Act, such submission shall be in the form of a special case.

(2) The case shall be intitled in the matter of the Act and of the arbitration, and shall be divided into paragraphs numbered consecutively, and shall state concisely such facts and documents as may be necessary to enable the judge to decide the questions of law raised thereby. Upon the argument of the case the judge and the parties shall be at liberty to refer to the whole contents of such documents, and the judge shall be at liberty to draw from the facts and documents stated in the case any inference, whether of fact or of law, which might have been drawn therefrom if proved at the hearing of an arbitration.

(3) The case shall be signed by the chairman and secretary of the committee or by the arbitrator, and sent to the clerk, who shall transmit the same to the judge, and the judge shall as soon as conveniently may be appoint a day and hour for hearing the case, and instruct the clerk to give notice thereof forthwith to the parties. The day shall be so fixed as to allow notice to be given ten days at least before the day fixed for the hearing, unless the judge shall, with the consent of all parties, fix an earlier day.

(4) The clerk shall, on the application and at the cost of any party, furnish him with a copy of the case.

(5) On the hearing of the case the judge may, after deciding the question submitted to him, remit the case with a memorandum of his decision to the committee or arbitrator, for them or him to proceed thereon in accordance with the decision; or if the decision of the judge on the question submitted to him disposes of the whole matter, he may himself make an award in the arbitration in accordance with such decisions.

(6) The judge may remit the case to the committee or arbitrator for re-statement or further statement.

(7) The judge shall have the same power over the costs of a special case as he has over the costs of an arbitration, or he may direct that such costs shall be dealt with as costs attending the arbitration; and the provisions of the Act and these Rules as to such costs shall apply accordingly.

Appearance of Parties in Arbitration.

30. (1) A party to an arbitration under the Act may appear—

- (a) In person;
- (b) By any solicitor who would be entitled to appear for such party in an action in the court;
- (c) By counsel;

Appearance
of parties

or, by leave of the judge or arbitrator a party may appear—

- (d) By a member of his family;
- (e) By a person in the permanent and exclusive employment of such party;
- (f) In the case of a company or corporation, by any director of the company or corporation, or by the secretary or any other officer or any person in the permanent and exclusive employment of the company or corporation;
- (g) By any officer or member of any society or other body or persons of which such party is a member or with which he is connected; or
- (h) Under special circumstances, by any other person.

(2) No person other than a solicitor who appears or acts on behalf of any party in any arbitration under the Act shall be entitled to have or recover any fee or reward for so appearing or acting, other than such travelling expenses and (in the case of a workman or a member of his family) allowance for time (if any) as may be allowed by the judge or arbitrator: Provided that nothing in these Rules contained shall affect the right of counsel to appear or act in any arbitration, or the right of any solicitor to recover costs in respect of his employment of counsel to appear or act as aforesaid.

Duty of Judge as to Taking Notes.

31. At the hearing of any arbitration or special case the judge shall make a note of any question of law raised, and of the facts in evidence in relation thereto, and of his decision thereon, and of his decision in the arbitration or on the hearing of the case; and he shall, at the expense of any party to such arbitration or case, furnish a copy of the note so taken to or allow a copy of the same to be taken by or on behalf of such party, and shall sign such copy, whether a notice of motion by way of appeal has been served or not.

Proceedings Against Insurers Under Section 7.

Where rights of bankrupt, etc., employer against insurers vest in workman under s. 7
Examination of employer as to insurance

32. (1) Where under section 7 of the Act the rights of an employer against any insurers under a contract entered into by the employer with the insurers in respect of any liability under the Act to any workman are transferred to and vest in the workman, the following provisions shall have effect.

(2) Where a workman who is or claims to be entitled to compensation from an employer to whom section 7 of the Act applies is unable to ascertain whether such employer has entered into a contract with insurers in respect of his liability, he may apply to the court on affidavit intituled in the matter of the Act, and setting forth the facts on which the application is made, for an order for the examination of the employer, and the court may make an order accordingly; and the provisions of Order XXXI shall apply in the same manner as if the employer were a debtor liable under a judgment or order.

Provisions as to arbitration.
Form 6

(3) The provisions of the Act and these Rules as to the settlement of matters by arbitration shall with the necessary modifications apply to the settlement by arbitration of any question as to liability of the insurers or the amount of their liability.

Appointment of Arbitrator by Judge in Place of Arbitrator Agreed on by the Parties Under Schedule II, Paragraph 8.

Application for appointment.
Form 20

33. (1) In the case of the death or refusal or inability to act of an arbitrator agreed on by the parties, any party to the arbitration who desires to make an application to the judge to appoint a new arbitrator shall apply in writing to the clerk to fix a time and place for the hearing of such application.

Fixing of hearing by clerk.

(2) The clerk shall fix the hearing of the application before the judge for any court appointed to be held within fourteen days from the date of the application to the clerk, but so that he shall not, except by consent, fix the hearing for a day less than seven days from the date of the application.

Fixing of hearing by judge

(3) If there is no available court, the clerk shall send notice of the intended application to the judge, who shall as soon as conveniently may be fix a time and place for the hearing of the application. Such time shall not, except by consent, be less than seven days from the date of the application to the clerk.

Summons to other party
Form

(4) On the time and place for the hearing of the application being fixed, the clerk shall issue to the applicant a summons under the seal of the court

according to the form in the appendix, addressed to the other party to the arbitration, and requiring him to attend on the hearing of the application.

(5) Such summons shall be served by the applicant on the other party in accordance with Rule 15 of these Rules not less than four clear days before the day fixed for the hearing, unless such party agrees to accept shorter service. Service of summons

(6) On the day fixed for the hearing the judge shall dispose of the application on hearing the parties, or on hearing the applicant and on proof of service of the summons on the other party, if such other party does not appear. Hearing of application

(7) Before appointing any person to act as arbitrator, the judge shall ascertain that such person is willing to serve if appointed. Ascertainment of willingness to act

(8) The appointment may be made by endorsement on the summons, or by a separate order. Order

(9) The costs of the application shall be in the discretion of the judge, who may order the same to be paid by one party to the other, or to be dealt with as costs attending the arbitration. Such costs, if allowed, shall be taxed on such scale as the judge shall direct. Costs

Memorandum Under Schedule II, Paragraph 8.

34. (1) The memorandum as to any matter decided by a committee or by an arbitrator or by agreement, which is by paragraph 8 of the second schedule to the Act required to be sent to the clerk, shall be intituled in the matter of the Act, and shall be left at the office of the clerk, or sent by post by registered letter addressed to the clerk at his office, as soon as may be after the matter has been decided. Memorandum to be sent to clerk. Act, sched. 2, par. 8. Form 22

(2) Where the matter is decided after a medical referee has been appointed to report on any matter under paragraph 13 of the second schedule to the Act, a copy of the report of the referee shall be annexed to the memorandum and recorded therewith; and if the referee attended any proceeding in the arbitration, it shall be so stated in the memorandum.

35. (1) If the matter is decided by a committee or an arbitrator, the memorandum shall be authenticated by the signatures of the chairman and secretary of the committee, or by the signature of the arbitrator; and it shall be the duty of the committee or arbitrator, as soon as may be after the decision, to draw up such memorandum and to sign the same or cause it to be signed as aforesaid, and to leave or send the same as aforesaid or to deliver the same to some party interested, to be by him so left or sent. Authentication of memorandum of decision of committee or arbitrator

(2) If the matter is decided by agreement, the memorandum shall be authenticated by the signatures of all parties to such agreement, or by the signatures or signature of some or one of them, or by the signatures or signature of the solicitors to the parties or some or one of them on their or his behalf. Authentication of memorandum of agreement

(3) There shall be left or sent with the memorandum a copy thereof for every party interested, other than the party (if any) by whom the memorandum is left or sent. Copies

35. On the receipt of the memorandum the clerk shall send one of the copies thereof to every party interested, with a notice according to the form in the appendix, requesting such party to inform him within seven days from the date of the notice whether the memorandum is genuine, or whether he disputes it, and, if so, in what particulars, or objects to its being recorded, and, if so, on what grounds. Notice to parties interested of memorandum having been received. Form 23

36. If all the parties interested admit the genuineness of the memorandum, or do not within such period of seven days dispute it or object to its being recorded, the clerk shall, subject to proviso (d) to paragraph 8 of the second schedule to the Act, and to Rule 41, record it without further proof. Recording of memorandum, if not disputed

37. If any party interested disputes the genuineness of the memorandum, or if, where a workman seeks to record a memorandum of agreement between his employer and himself, the employer alleges that the workman has in fact returned to work and is earning the same wages as he did before the accident, and objects to the recording of the memorandum, such party or employer shall within seven days from the date of the notice mentioned in Rule 35 file with the clerk a notice according to the form in the appendix Where memorandum disputed, or employer objects to its being recorded. Act, sched. 2, par. 8 (b). Form 24

that he disputes the genuineness of the memorandum or that he objects to its being recorded, and shall with such notice file a copy thereof for each of the other parties interested.

Notice of
dispute or
objection
Form 25

38. On the receipt of any such notice as in the last preceding Rule mentioned, the clerk shall send a copy thereof to each of the other parties interested, together with a notice according to the form in the appendix, informing such party that the memorandum will not be recorded except with the consent in writing of the party or employer disputing the same or objecting to the same being recorded, or by order of the judge.

Subsequent
proceedings

39. (1) If the consent mentioned in the last preceding Rule is obtained, the clerk shall, subject to proviso (d) to paragraph 8 of the second schedule to the Act, and to Rule 41, record the memorandum without further proof.

(2) If such consent cannot be obtained, any party interested may apply to the judge to order the memorandum to be recorded.

Proceedings for Record of Memorandum or Rectification of Register.

Proceedings
on application
for record of
memorandum
or rectification
of register

40. The following provisions shall apply to an application for an order that a memorandum be recorded, or an application to the judge to rectify the register pursuant to paragraph 8 of the second schedule to the Act.

Form 26

- (a) The application shall be made in court on notice in writing, stating the relief or order which the applicant claims.
- (b) The notice shall be filed with the clerk, and copies thereof shall be served—
 - (i) In the case of an application for an order that a memorandum be recorded, on the party disputing the memorandum or objecting to its being recorded, and on all other parties interested;
 - (ii) In the case of an application to rectify the register, on every party who would be affected by such rectification, subject to the provisions of these Rules as to the parties to an arbitration; or on the solicitor of such party, ten clear days at least before the hearing of the application, unless the judge or clerk gives leave for shorter notice.
- (c) On the hearing of the application, witnesses may be orally examined in the same manner as on the hearing of an action.
- (d) On the hearing of the application the judge may make such order or give such directions as he may think just, regard being had, in the case of an application for an order that a memorandum of an agreement be recorded, to proviso (d) to paragraph 8 of the second schedule to the Act.
- (e) The provisions of the Act and these Rules as to the costs of an arbitration before the judge shall apply to any such application.

Reference of Agreement Presented for Registration to the Judge. Schedule II, Paragraph 8, Proviso (d).

Proceedings
where
agreement
presented for
registration is
referred by
clerk to judge.
Act, sched. 2,
par. 8
proviso (d)

41. (1) Where a memorandum of an agreement presented for registration relates to any matter referred to in proviso (d) to paragraph 8 of the second schedule to the Act, the clerk may, before recording the same, make such inquiries and obtain such information as he may think necessary in order to satisfy himself whether the memorandum may properly be recorded, regard being had to the said proviso.

(2) Where it appears to the clerk that the memorandum ought not to be recorded for any reason mentioned in the said proviso, he shall make a report to the judge in writing, stating the information he has obtained and the grounds on which it appears to him that the memorandum ought not to be recorded.

(3) If on consideration of the clerk's report it appears to the judge that the memorandum may properly be recorded, he may so direct, and it shall be recorded accordingly.

(4) If on consideration of the clerk's report it appears to the judge that the memorandum should not be recorded without further inquiry, the clerk shall send notice to the parties to the agreement according to the form in the appendix, informing them that he has referred the matter to the judge, and requiring them to attend on a day to be named in the notice, when the matter will be inquired into by the judge.

Form 27

(5) The notices shall be sent to the parties or their solicitors ten clear days at least before the day fixed for the inquiry, unless the judge directs shorter notice to be given.

(6) At the inquiry witnesses may be orally examined in the same manner as on the hearing of an action.

(7) At the inquiry the judge may make such order or give such direction as he may think just.

(8) The provisions of the Act and those Rules as to the costs of an arbitration before the judge shall apply to any such inquiry.

Proceedings for Removal of Record of Memorandum of Agreement from Register under Schedule II, Paragraph 8, Proviso (e).

42. (1) An application to the judge by or on behalf of any party for the removal from the register of the record of a memorandum of an agreement under proviso (e) to paragraph 8 of the second schedule to the Act shall be made in court on notice of writing; and the provisions of Rule 40 shall apply to the proceedings on such application.

(2) If it appears to the judge on a report by the clerk without such application as in the last preceding paragraph mentioned that the record of a memorandum of an agreement should be removed from the register pursuant to the said proviso, the clerk shall send notice to the parties to the agreement according to the form in the appendix, requiring them to attend on a day to be named in the notice, when the matter will be inquired into by the judge.

(3) Such notice shall be sent and the inquiry held in accordance with the provisions of the last preceding Rule, and the provisions of that Rule shall apply to any such inquiry.

Certificate Under Section 3, Subsection 4.

43. (1) Where an action is brought in the Supreme Court, or in any District Court to recover damages independently of the Act for injury caused by any accident, and the court proceeds under subsection 4 of section 3 of the Act, the certificate given by the court shall be according to the form in the appendix.

(2) The clerk shall, on receiving a certificate given by any other court under the said subsection, record the same in like manner as if such certificate were an award made by the judge.

Summoning Medical Referee as Assessor Under Schedule II, Paragraph 4.

44. (1) Any party to an arbitration may eight clear days at least before the day fixed for proceeding with the arbitration file with the clerk an application according to the form in the appendix, requesting the judge to summon a medical referee to sit with him as an assessor under paragraph 4 of the second schedule to the Act.

(2) On the receipt of an application for an assessor the clerk shall forward a copy of the same to the judge, who if he thinks fit shall return the same with his approval, and thereupon the clerk shall forthwith summon an approved assessor.

(3) If the judge does not think fit that an assessor shall be summoned, notice thereof shall be given by the clerk to the applicant, according to the form in the appendix.

(4) If the judge thinks fit, either on the application of any party to an arbitration or on his own motion, to summon a medical referee to sit with him as an assessor, the clerk shall forthwith summon one of the medical referees appointed by the Attorney General for the area comprising the district of the court in which the arbitration is pending, by sending to such medical referee by post a summons according to the form in the appendix.

(5) If at the time and place appointed for the arbitration the medical referee summoned does not attend, the judge may either proceed with the arbitration without the assistance of an assessor, or he may adjourn the hearing.

Appointment of Medical Referee to Report Under Schedule II, Paragraph 13.

45. (1) Subject to and in accordance with regulations made or to be made by the Attorney General, under paragraph 13 of the second schedule

referee to
report under
Act, sched. 2,
par. 13

to the Act, the judge may submit to a medical referee for report any matter which seems material to any question arising in an arbitration.

(2) When any matter is submitted as aforesaid, the judge may, subject to and in accordance with such regulations, order the injured workman to submit himself for examination by the medical referee; and it shall be the duty of the workman, on being served with such order, to submit himself for examination accordingly.

Application for Reference to Medical Referee Under Schedule I, Paragraph 12.

Application
for reference
to a medical
referee under
Act, sched. 1,
par. 12

46. (1) With respect to applications to the clerk pursuant to paragraph 12 of the first schedule to the Act to refer any matter to a medical referee, the following provisions shall have effect.

Form 34

(2) An application to the clerk to refer any matter to a medical referee shall be made in writing, and shall contain a statement of the facts which render the application necessary, according to the form in the appendix, and shall be accompanied by a copy of the report of every medical practitioner who has examined the workman either on behalf of the employer or on the selection of the workman. The application shall be signed by or on behalf of both parties; and the applicant shall file copies of the application and reports for the use of the medical referee.

Form 35

(3) On the hearing of the application the clerk shall refer the matter to one of the medical referees appointed for the area comprising the district of the court; and shall forward to such medical referee by registered post one of the filed copies of the application and reports, with an order of reference according to the form in the appendix.

Form 36

(4) The clerk shall also make an order directing the workman to submit himself for examination by the medical referee subject to and in accordance with any regulations made or to be made by the Attorney General.

(5) Before making such order the clerk shall inquire whether the workman is in a fit condition to travel for the purpose of examination, and if satisfied that he is in a fit condition shall by the order direct him to attend at such time and place as the referee may fix, and if satisfied that he is not in a fit condition to travel shall so state in the order of reference; and it shall be the duty of the workman, on being served with the order, to submit himself for examination accordingly.

(6) The clerk shall deliver or send by registered post to each party a copy of the order of reference, and shall send to the workman a copy of the order directing him to submit himself for examination.

(7) The medical referee shall forward his certificate in the matter to the clerk by registered post.

Form 37

(8) On the receipt of the certificate of the medical referee the clerk shall inform the parties by post that it has been received, and shall permit any party to inspect the same during office hours, and shall on the application and at the cost of either party furnish him with a copy of the certificate, or allow him to take a copy thereof.

(9) The fee payable by the applicant shall be calculated at the rate of ten cents in the dollar on 26 times the amount of the weekly payments claimed by or payable to the workman, so that the total fee shall not exceed ten dollars.

(10) The costs of any application to the clerk, including the fee paid under the last preceding paragraph, may be allowed as costs in any subsequent arbitration for the settlement of the weekly payment to be made to the workman, or, where the application is made after the weekly payment has been settled, as costs in any subsequent arbitration as to the review of such weekly payment.

Suspension of Proceedings or Weekly Payments on Refusal to Submit to Examination Under Schedule I, Paragraph 4, 11, or 12.

Application
to stay
proceedings or
suspend weekly
payments
on refusal of
workman to
submit to
examination

47. (1) In any case in which a workman has given notice of an accident or is receiving weekly payments under the Act, and the employer alleges that the workman refuses to submit himself to medical examination in accordance with paragraph 4, paragraph 11, or paragraph 12 of the first schedule to the Act or in any way obstructs such examination, the employer may apply for a suspension of the right to compensation and to take or

prosecute any proceedings under the Act in relation to compensation, or under Act, sched. 1, par. 4, par. 11, or par. 12
of the right to the weekly payments, until such examination has taken place, in accordance with this Rule.

(2) Where proceedings are pending before a committee or an arbitrator agreed on by the parties, the application shall be made to such committee or arbitrator.

(3) Where the workman has given notice of an accident, but no proceedings are pending, or proceedings are pending before the judge, the application shall be made to the judge.

(4) Where the workman is receiving weekly payments under an award, memorandum, or certificate, then—

(a) If proceedings for the review of the weekly payment are pending before a committee or an arbitrator agreed on by the parties, the application shall be made to such committee or arbitrator;

(b) If no proceedings for review are pending, or if proceedings for review are pending before the judge, the application shall be made to the judge.

(5) Where the application is to be made to the judge, it may be made Form 38 in or out of court in accordance with Rule 40; and the provisions of the said rule shall apply to the proceedings on such application, with the following modification:

(a) The notice shall be served on the workman or his solicitor five clear days before the hearing of the application, unless the judge or clerk gives leave for shorter notice.

Payment into Court and Investment and Application of Money Payable in case of Death. Schedule I, Paragraph 5.

48. (1) Where any payment in the case of death is to be paid into court pursuant to paragraph 5 of the first schedule to the Act, the following provisions shall have effect. Payment into court, investment, and application of payment in case of death. Act, sched. 1, par. 5

(2) Where any money is to be paid into court under an award made by the judge, payment shall be made in accordance with the directions contained in the award.

(3) In any other case payment shall be made into the court in which the memorandum of the decision, award, or agreement under which the money is to be paid, or the certificate under which the money is to be paid, has been or is to be recorded.

(4) Where money is to be paid into court under the last preceding paragraph, the party paying the same shall lodge with the clerk a praecipe in duplicate according to the form in the appendix, annexing to one copy of the praecipe a form of receipt, and the clerk, on the receipt of the sum paid in, shall sign the receipt and return the same to the party making the payment; and the party making the payment shall forthwith give notice to the persons interested in the sum paid in of such payment having been made. Form 39

(5) If all questions as to who are dependants and the amount payable to each dependant have been settled by agreement or arbitration before payment into court, the sum paid into court shall be allotted between the dependants in accordance with the agreement or award, and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the court for the benefit of the person entitled thereto in accordance with paragraph 5 of the first schedule to the Act.

(6) If such questions have not been settled before payment into court, then—

(a) If all the persons interested in the sum paid into court agree to leave the application thereof to the court the amount paid into court shall, on application by or on behalf of such persons, be invested, applied, or otherwise dealt with by the court for the benefit of the persons entitled thereto in accordance with paragraph 5 of the first schedule to the Act;

(b) If any question arises as to who is a dependant or as to the amount payable to any dependant, or otherwise as to the application of the sum paid into court, such question shall be settled by the court by arbitration in accordance with these Rules; and the amount allotted to each dependant shall be invested, applied, or otherwise dealt with by the court for the benefit of the person entitled thereto in accordance with paragraph 5 of the first schedule to the Act.

(7) Where any question is settled by the court by arbitration in accordance with the last preceding paragraph, an application for the investment or application of any sum allotted to any person on such arbitration may be made at or immediately after the hearing of the arbitration.

(8) Where application is not so made or in any other case coming within paragraph 5 of the first schedule to the Act, an application for the investment or application of the sum paid into court, or the amount allotted to any person, may be made without petition, and the judge, on such evidence of title and identity as he may think necessary, may make such order under paragraph 5 of the first schedule of the Act and this Rule as he may think fit.

(9) Every order for the investment or application of money paid into court shall reserve liberty to the parties interested to apply to the court as they may be advised.

(10) Where any sum allotted to any person under paragraph 5 of the first schedule to the Act or this Rule is ordered to be paid out to or applied for the benefit of the person entitled thereto, by weekly or other periodical payments, such payments may be made to the person entitled to receive the same either at the office of the clerk, or, on the written request of such person, by crossed cheque or post office or express money order addressed to such person and forwarded by registered post letter, payment by post being in all cases at the cost and risk of the person requesting the same.

Payment into Court and Application of Weekly Payments Payable to Person under Legal Disability, Schedule I, Paragraph 7.

Application
for payment
into court
of weekly
payment to
person under
legal disability
Act, sched. 1,
par. 7

49. (1) An application under paragraph 7 of the first schedule to the Act for an order that a weekly payment payable under the Act to a person under any legal disability shall during the disability be paid into court may be made either by the person liable to make such payment, or by or on behalf of the person entitled to such payment.

(2) If the weekly payment is awarded by the judge, the application may be made at or immediately after the hearing of the arbitration.

Form 40

(3) In any other case the application may be made in or out of court on notice in writing, which shall be served on the other party or his solicitor five clear days at least before the hearing of the application, unless the judge or clerk gives leave for shorter notice; and the provisions of Rule 40 shall apply to any such application.

(4) Where any weekly payment is ordered to be paid into court, the sums paid in shall be paid out by the clerk to or otherwise applied for the benefit of the person entitled thereto in such manner as the judge shall direct; and the provisions of the last preceding Rule as to the payment out or application of sums by weekly or other periodical payments shall apply.

Application for Variation of Order under Schedule I, Paragraph 9.

Application
for variation
of order.
Act, sched. 1,
par. 9
Form 41

50. (1) An application for the variation of an order of the court under paragraph 9 of the first schedule to the Act may be made by any person interested.

(2) The application shall be made in court on notice in writing, stating the circumstances under which the application is made, and the relief or order which the applicant claims.

(3) The notice shall be filed with the clerk, and notice thereof shall be served on all persons interested in accordance with Rule 40; and the provisions of that Rule and of Rule 48 shall apply to proceedings on such application.

Investment and Application of Lump Sum paid in Redemption of Weekly Payment, Schedule I, Paragraph 14.

Investment
and application
of sums paid
in redemption
of weekly
payments.
Act, sched. 1,
par. 14

51. Where pursuant to paragraph 14 of the first schedule to the Act a lump sum payable for the redemption of any weekly payment is ordered by the judge, to be invested or applied for the benefit of the person entitled thereto, such sum shall be paid into court; and the provisions of paragraph 5 of the first schedule to the Act and of Rule 48 shall apply to the investment and application of such lump sum.

Proceedings Where Workman receiving Weekly Payment intends to cease to Reside in the Province, Schedule I, Paragraph 15.

52. (1) Where a workman receiving a weekly payment intends to cease to reside in the province the following provisions shall have effect under paragraph 15 of the first schedule to the Act. Where workmen receiving weekly payments intends to cease to reside in the province. Act, sched. 1, par. 15 Form 42

(2) The workman may apply to the clerk to refer to a medical referee the question whether the incapacity of the workman resulting from the injury is likely to be of a permanent nature.

(3) The application shall be made on notice in writing, according to the form in the appendix, which shall be filed with the clerk, and shall be accompanied by a copy of the report of any medical practitioner who has examined the workman on the selection of the workman; and a copy of the application and of such report (if any) shall be served on the employer or his solicitor in accordance with Rule 40; and the applicant shall file a copy of the application and of the report (if any) for the use of the medical referee.

(4) If the workman has been examined by a medical practitioner on behalf of the employer, the employer may at or at any time before the hearing of the application furnish the workman with a copy of the report of that practitioner as to the workman's condition, and file a copy of the report for the use of the medical referee.

(5) On hearing of the application the clerk, on being satisfied that the applicant has a *bona fide* intention of ceasing to reside in the province, shall make an order referring the question to a medical referee; and if he is not so satisfied, he may refuse to make an order, but in that case he shall, if so requested by the applicant, refer the matter to the judge, who may make such order or give such directions as he may think fit. Form 43

(6) If the clerk or the judge makes an order referring the question to a medical referee, he shall also make an order directing the workman to submit himself for examination by the medical referee, subject to and in accordance with any regulations made by the Attorney General; and the provisions of paragraphs 3 to 6 of Rule 46 shall with the necessary modifications apply. Form 36

(7) The medical referee shall forward his certificate in the matter to the clerk by registered post, specifying therein the nature of the incapacity of the workman, and whether the same is total or partial; and the clerk shall thereupon proceed in accordance with paragraph 8 of Rule 46. Form 37

(8) Where the medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature, the clerk shall on application furnish the workman—

(a) With a copy of the certificate of the medical referee, sealed with the seal of the court and certified by the clerk in his own handwriting to be a true copy; and

(b) With a copy of the award, memorandum, or certificate under which the weekly payment is payable, sealed with the seal of the court and certified by the clerk in his own handwriting to be a true copy; and

(c) With a certificate of indentity according to the form in the appendix; Form 44

(d) With a notice according to the form in the appendix, annexing thereto forms of certificate and declaration according to the forms in the appendix; Form 45

and shall procure from the workman a specimen of his signature, and file the same for reference.

(9) A workman who desires to have the weekly payments payable to him remitted to him while residing out of the province shall at intervals of three months from the date to which such payments were last made submit himself to examination by a medical practitioner in the place where he is residing, and shall produce to him the copy of the certificate of the medical referee and the certificate of identity furnished under the last preceding paragraph, and shall obtain from him a certificate in the form in the appendix that the incapacity of the workman resulting from the injury continues; and such certificate shall be verified by declaration by the medical practitioner, in the presence of the workman, before a person having authority to administer an oath. Form 46

(10) The workman shall also make a declaration of identity according to the form in the appendix before a person having authority to administer an oath, producing to such person the copy and certificate above mentioned, and the certificate of the medical practitioner by whom he has been examined. Form 47

Form 48

(11) The workman shall forward the certificate and declaration in the two last preceding paragraphs mentioned to the clerk, with a request, according to the form in the appendix, for the transmission to him of the amount of the weekly payments due to him, specifying the place where and the manner in which the amount is to be remitted, which request shall be signed by the workman in his own handwriting.

(12) On receipt of the certificate, declaration, and request the clerk shall examine the same, and may if not satisfied that the same are in order return the same for correction.

Form 49

(13) If the clerk is satisfied that the certificate, declaration and request are in order or when they are returned to him in order, he shall send to the employer a notice according to the form in the appendix, requesting him to forward the amount due; and the employer shall thereupon forward the amount to the clerk, who shall remit the same, less any fees payable to the clerk and the costs of transmission, to the workman at the address and in the manner requested by him, such remittance being in all cases at the cost and risk of the workman.

Costs.

Costs.
Act, sched. 2,
par. 6.

53. (1) Any costs of and incident to an arbitration and proceedings connected therewith directed by a committee or by an arbitrator or by the judge, to be paid by one party to another shall, in default of agreement between the parties as to the amount of such costs, be taxed according to such one of the scales of costs applicable to actions in the District Court as the committee, arbitrator, or judge shall direct; and in default of such direction shall be taxed according to the scale which would be applicable if the proceeding had been an action in the District Court; and the statutory provisions and rules for the time being in force as to the allowance and taxation of costs in such actions, and as to objections and review of taxation shall apply accordingly.

(2) Where the subject matter of an arbitration is not a capital sum, the committee, arbitrator, or judge shall determine what, for the purpose of the allowance and taxation of costs, shall be considered to be the amount of the subject matter of the arbitration; and in default of such determination the amount shall be fixed by the clerk by whom the costs are to be taxed, subject to review by the judge.

(3) The committee, arbitrator or judge, in dealing with the question of costs, may take into consideration any offer of compensation proved to have been made on behalf of the employer.

(4) Where any workman is examined by a medical referee on a reference under paragraph 12 of the first schedule to the Act and the certificate of the referee is used in any subsequent arbitration, any reasonable travelling and other expenses incurred by the workman in obtaining such certificate (if not otherwise provided for) may, by order of the committee, arbitrator, or judge, be allowed as costs in the arbitration.

(5) Where a workman is ordered to submit himself for examination by a medical referee appointed to report under paragraph 13 of the second schedule to the Act, any reasonable expenses incurred by such workman in travelling to attend on such referee for examination may, by order of the committee, arbitrator, or judge, be allowed as costs in the arbitration.

Review of Taxation by Judge.

Review
of taxation

54. (1) An application to the judge to review any taxation of costs shall be made on notice in writing, which shall be served on the opposite party two clear days at least before the hearing of the application, unless the judge or clerk gives leave for shorter notice.

(2) Such application shall be heard and determined upon the evidence which has been brought in before the clerk, and no further evidence shall be received on the hearing thereof unless the judge otherwise directed.

(3) The costs of and incident to the application shall be in the discretion of the judge.

(4) The result of such review shall be entered in the register.

55. Where any party to whom costs are awarded acts by a solicitor, such solicitor shall have the same authority to take out of court or receive any sum paid into court or payable in respect of such costs by the party against whom such costs are awarded as he would have if such costs were awarded in an action.

As to authority of solicitor to receive costs payable by adverse party

Costs of Solicitor or Agent under Schedule II, Paragraph 12.

56. (1) The following provisions shall apply to an application under paragraph 12 of the second schedule to the Act for the determination of the amount of costs to be paid to the solicitor or agent of a person claiming compensation under the Act.

Application to determine costs payable to solicitor or agent. Act, sched. 2, par. 12

(2) Where the sum awarded as compensation has been awarded by a committee or an arbitrator agreed on by the parties, the application shall be made to such committee or arbitrator.

(3) Where the sum awarded as compensation has been awarded by the judge, the application may be made—

(a) To the judge at or immediately after the hearing of the arbitration;

or
(b) At a subsequent date.

(4) Where a sum has been agreed on as compensation, the application shall be made to the judge.

(5) An application made to the judge, other than an application under paragraph 3 (a) of this Rule, shall be made in court on notice in writing in accordance with Rule 40.

Form 50

(6) Such notice shall be served on the person for whom the solicitor or agent acted in accordance with the said Rule, and the provisions of the said Rule shall apply to the proceedings on such application.

(7) On the hearing of any application under this Rule, the committee, arbitrator, or judge may award costs to the solicitor or agent and may make an order declaring such solicitor or agent to be entitled to recover such costs from the person for whom he acted, or to be entitled to a lien for such costs on any sum awarded as compensation to such person, or to be entitled to deduct such costs from any such sum, or may make such order or give such directions as may be just.

(8) Any costs awarded to a solicitor or agent on any such application shall, in default of agreement between the parties as to the amount of such costs, be taxed according to such one of the scales of costs applicable to actions in the District Court or Supreme Court as the committee, arbitrator, or judge shall direct; and in default of such direction such costs shall be taxed according to the scale which would be applicable if the proceeding had been an action in the District Court; and the statutory provisions and rules for the time being in force as to the allowance and taxation of costs in such actions, and as to objections and review of taxation, shall apply accordingly; and any taxation shall be subject to review by the judge according to Rule 54.

(9) Where the subject matter of the arbitration is not a capital sum, the committee, arbitrator, or judge shall determine what, for the purpose of the allowance and taxation of such costs, shall be considered to be the amount of the subject matter of the arbitration; and in default of such determination the amount shall be fixed by the clerk by whom the costs are to be taxed, subject to review by the judge.

57. Where an order is made by a committee, arbitrator, or judge awarding costs to a solicitor or agent, and declaring such solicitor or agent to be entitled to recover such costs from the person for whom he acted, or to be entitled to a lien for such costs on any sum awarded or agreed as compensation, or to be entitled to deduct such costs from any such sum, the following provisions shall apply:

Provisions as to order declaring lien, etc.

(a) The clerk shall, on application made to him, tax such costs.

(b) A copy of the order, and, when the amount to which such solicitor or agent is entitled has been ascertained by taxation, a memorandum of such amount, shall, at the request and cost of the solicitor or agent be issued by the clerk for the service on the party liable to pay the sum awarded or agreed as compensation; and service thereof may be effected on such party in accordance with Rule 15.

(c) A memorandum of such order, and when such amount has been ascertained a memorandum of such amount, shall be recorded

in the register in which the memorandum of award under which the sum awarded as compensation is payable is recorded, and such last mentioned memorandum or award shall have effect subject to such order and memorandum.

- (d) The party liable to pay such compensation shall on demand pay to the solicitor or agent the amount to which he is entitled, but so that such party shall not be liable to pay any amount in excess of that which he is liable to pay for compensation, or to pay such amount by any other instalments than those by which he is liable to pay such compensation.
- (e) If the party liable to pay such compensation fails on demand to pay any amount which he is liable to pay to such solicitor or agent, the judge may, on application made to him on notice to such party in accordance with Rule 40, and on proof of the order having been served on and demand for payment made to such party, order such party to pay such sum; and in default of payment the judge may order execution to issue to levy such amount.
- (f) Payment made by or execution levied on the party liable to pay such compensation shall be a valid discharge to him, as against the party entitled to such compensation, to the amount paid or levied.
- (g) Where the sum awarded as compensation has been paid into court, the amount to which the solicitor or agent is entitled shall be paid to him out of such sum.

Execution.

Form 51

58. (1) When a party liable to pay compensation or costs under any award, memorandum, or certificate has made default in payment of the amount awarded, or where payment is to be made by instalments, of any instalment, execution may issue against his goods without leave for the amount in payment of which he has made default.

(2) Where such sum is not payable into court, the party applying for execution shall satisfy the clerk, by affidavit or otherwise, as to the amount in payment of which default has been made.

(3) Where the parties liable to pay compensation or costs under any award, memorandum, or certificate, are a firm, the provisions of Order XXX, Rule 343, shall with the necessary modifications apply to execution under this Rule.

Other Proceedings for Enforcement of Award, Memorandum or Certificates.

Other proceedings for enforcement of award, etc.

59. The Rules for the time being in force as to proceedings for the enforcement of or the recovery of money due under judgments or orders of the court otherwise than by execution or committal shall, with the necessary modifications, apply to proceedings for the enforcement of or the recovery of money due under any award, memorandum, or certificate.

Setting aside Award or Order Improperly Obtained.

Rules as to new trials not to apply

60. (1) Notwithstanding anything in these Rules contained, any statutory provisions and rules relating to new trials in actions in the District Courts from time to time in force shall not apply to arbitrations under the Act.

When award or order may be set aside or varied

(2) Where the judge is satisfied—

- (a) That any award, or any order as to the application of any amount awarded or agreed upon as compensation, made by the judge has been obtained by fraud or other improper means; or
 - (b) That any person has been included in any award or other as a dependant who is not in fact a dependant as defined by the Act; or
 - (c) That any person who is in fact a dependant as defined by the Act has been omitted from any award or order,
- the judge may set aside or vary the award or order, and may make such order (including an order as to any sum already paid under the award or order) as under the circumstances he may think just.

(3) An application to set aside or vary an award or order under this Rule shall be made in court on notice in writing, and the provisions of Rule 40 shall apply to the proceedings on such application.

(4) An application to set aside or vary an award or order under this Rule shall not be made after the expiration of six months from the date of the award or order, except by leave of the judge; and such leave shall not be granted unless the judge is satisfied that the failure to make the application within such period was occasioned by mistake, absence from the province, or other reasonable cause.

Appeals.

61. Appeals under paragraph 3 of the second schedule to the Act shall be had in accordance with the provisions of the Rules of the Supreme Court relating thereto. Appeals. Act, sched. 2, par. 3

62. (1) When the Supreme Court *en banc* has given judgment on any appeal, any party may deposit the order of the said court or an office copy thereof, with the clerk; and the clerk shall file such order or copy, and shall transmit a copy thereof to the judge; and such order shall have the same effect as if it had been a decision of the judge. Deposit of order of Court of Appeal with clerk, and procedure thereon

(2) If such order has the effect of an award, decision, or order in the matter in favour of any party, such order shall be served and recorded, and may be proceeded on, in the same manner as if it had been an award, decision or order of the judge.

(3) If such order be to the effect that an award be made or a decision given or order made in favour of any party, the judge shall make such award or give such decision or make such order accordingly.

(4) If such order directs or involves a re-hearing or further hearing of an arbitration or special case or other matter, the judge shall as soon as conveniently may be appoint a day and hour for such re-hearing or further hearing, and shall instruct the clerk to give notice thereof forthwith to the parties.

(5) Generally the judge shall make such award or give such decision or make such order and give such directions and take or direct to be taken such proceedings in the matter, as may be necessary to give effect to the order of the Supreme Court *en banc*.

Proceedings in one Court as to Subject Matter of Award, Memorandum or Certificate recorded in another Court.

63. Where an award, or a memorandum under paragraph 8 of the second schedule to the Act, or a certificate under subsection 4 of section 3 of the Act has been recorded in any court, and any party desires to take any subsequent proceedings with reference to the subject matter of such award, memorandum, or certificate in any other court, he shall before taking such proceedings obtain from the clerk of the first-mentioned court a certified copy of such award, memorandum, or certificate, and shall file the same in the court in which he desires to take proceedings, and the clerk of such last-mentioned court shall record the same as if it had been an award made in the court. Filing of certified copy of memorandum, etc., recorded in one court under Act, sched. 2, par. 8 before taking subsequent proceedings in another court

Transfer of Proceedings.

64. If the judge is satisfied by any party to any matter under the Act pending in his court that such matter can be more conveniently proceeded with in any other court in the province, he may order such matter to be transferred to such other court; and thereupon the clerk shall forthwith transmit by registered post to the clerk of the court to which such matter is transferred all original documents filed in such matter, and a certified copy of all records made with reference to such matter, and shall transfer to such last-mentioned court any money invested in his name as clerk; and thenceforth such matter shall be proceeded with in the court to which it is transferred in the same manner as if it had originally been commenced therein. Transfer

Transfer of Money paid into Court.

65. The provisions of the last preceding Rule shall apply to the transfer of money paid into court from one court to another pursuant to paragraph 6 of the first schedule to the Act or otherwise, and to proceedings with respect to the application of such money. Transfer of money paid into court. Act, sched. 1, par. 6

Filing and Service of Documents and Notices.

66. (1) Where any document is to be filed with the clerk under these Rules, that document may be so filed by delivering it at the office of the clerk, or by sending it by post addressed to the clerk at his office.

(2) Where any document is to be so filed, there shall be filed with the original document as many copies of the document as there are persons to whom copies of the document or any part thereof are to be sent by the clerk, and in addition a copy for the use of the judge.

(3) Where any document is under these Rules to be sent to any person by the clerk, that document may be sent by post.

(4) Any proceeding, document, or notice which is under these Rules to be served on any party may be served on such party by the opposite party or his solicitor; and where no special provision as to the mode of service is made by these Rules, any such proceeding, document, or notice may be served on such party, or where he acts by a solicitor, on his solicitor, in manner provided by subsections 3 and 4 of section 4 of the Act with reference to service of notice in respect of an injury.

Act, s. 4,
sub-as. 3, 4

Procedure Generally.

Provisions as to parties acting by solicitors, and as to substituted service and notice in lieu of service
Procedure not otherwise provided for

67. The provisions of the Rules of Court as to parties acting by solicitors, and as to substituted service and notice in lieu of service, shall apply to proceedings under the Act.

68. Where any matter or thing is not specially provided for under these rules, the same procedure shall be followed and the same provisions shall apply, as far as practicable, as in a similar matter or thing under *The District Courts Act*, and the rules applicable thereto.

Record of Proceedings. Special Register.

Record of proceedings before judge or arbitrator
Special register
Form

69. Proceedings under the Act before the judge shall be recorded in the books of the court in the manner in which other proceedings in the court are recorded; and the clerk shall also keep a special register for the purposes of the Act, in which he shall record—

- (1) A memorandum of every application made to the judge for the settlement of any matter by arbitration;
- (2) A memorandum of every proceeding taken in any arbitration before the judge prior to the award;
- (3) A memorandum of every appointment of a medical referee by the judge, and of his report, and if a medical referee is summoned or requested to attend any proceeding in the arbitration, of such summons or request and attendance;
- (4) A memorandum of every award made by the judge;
- (5) A memorandum of every special case submitted to the judge, and of the proceedings and order thereon;
- (6) A memorandum of every judgment given by the Supreme Court *en banc* on any appeal;
- (7) A memorandum of every application to the court for the examination of an employer pursuant to Rule 32, paragraph 2, and of the order and proceedings thereon;
- (8) A memorandum of every application to the judge for the appointment of an arbitrator in case of the death or refusal or inability to act of an arbitrator agreed on by the parties, and of the proceedings and order thereon;
- (9) A copy of every memorandum sent to the register pursuant to paragraph 8 of the second schedule to the Act, and of the report (if any) of the medical referee annexed thereto, with a note stating whether such memorandum was recorded without further proof, or after inquiry, or by order of the judge;
- (10) If such memorandum is recorded after inquiry, a memorandum of the inquiries made and of the result thereof;
- (11) If such memorandum is recorded by order of the judge, a memorandum of the application to the judge, and of the order made thereon;
- (12) If in the case of a memorandum of an agreement the clerk refers the matter to the judge, a memorandum of such reference, and of the directions of the judge, and the subsequent proceedings and order thereon;

- (13) A memorandum of the result of every taxation or review of taxation of costs under any such memorandum, or under any award or order;
- (14) A memorandum of every application to rectify the register in respect of any memorandum, and of the proceedings and order thereon;
- (15) A memorandum of every application or report with reference to the removal of the record of a memorandum of an agreement from the register, and of the subsequent proceedings and order thereon;
- (16) A memorandum of every application to the judge under paragraph 12 of the second schedule to the Act, to determine the amount of costs to be paid to a solicitor or agent, and of the proceedings and order thereon, and of the result of any taxation or review of taxation under such order;
- (17) A copy of every certificate under subsection 4 of section 3 of the Act given by the court or sent to the clerk from any other court;
- (18) A memorandum of every proceeding taken in the court for the enforcement of any award, order, memorandum or certificate, and of the result of such proceeding;
- (19) A memorandum of every application to refer a matter to a medical referee pursuant to paragraph 12 of the first schedule of the Act, and of the order and subsequent proceedings thereon;
- (20) A memorandum of every application to the court for the suspension of the right to compensation or to take or prosecute any proceedings under the Act in relation to compensation, or of the right to weekly payments, and of the proceedings and order thereon;
- (21) A memorandum of every sum paid into court pursuant to paragraph 5 of the first schedule to the Act, or under any award, memorandum, or certificate;
- (22) A memorandum of every application made to the court with reference to any such sum, and of every order made on such application, and of the manner in which such sum is invested, applied, or disposed of;
- (23) A memorandum of every application for the payment of any weekly payment into court, and of the proceedings and order thereon, and of the directions given as to the payment out or application of any such weekly payment;
- (24) A memorandum of every application for variation of an order of the court as to the appointment, investment, or application of any sum paid as compensation, and of the proceedings and order thereon;
- (25) A memorandum of every application to refer a matter to a medical referee pursuant to paragraph 15 of the first schedule to the Act in the case of a workman intending to cease to reside in the province, and of the order and the proceedings thereon; and of every certificate and declaration of identity and request for payment received from such workman, and of the proceedings thereon;
- (26) A memorandum of every application to set aside or vary an award or order under Rule 60, and of the proceedings and order thereon;
- (27) A memorandum of every certified copy given pursuant to Rule 63, or a copy of every certified copy filed pursuant to that rule;
- (28) A memorandum of every application for transfer and of the order thereon, and the proceedings under such order;
- (29) A memorandum of the transfer of any money paid into court to any other court;
- (30) The like memorandum as to every matter transferred, or document or certified copy transmitted or money transferred to the court, as would have been recorded as to such matter, document, or money if it had been originally commenced and prosecuted in or transmitted to or paid into the court;
- (31) A memorandum of any other matter which the judge shall order to be recorded with reference to any matter brought into or proceeding taken in the court under the Act.

Reference to Medical Referee.

70. (1) Where a medical referee is summoned as an assessor, or any matter is referred to a medical referee, such referee shall be summoned or the matter shall be referred subject to and in accordance with any regula- References to medical referees

tions made by the Attorney General; and any such regulations shall so far as they affect the District Court, and proceedings in the said court, be deemed to be Rules of Court, and shall have effect accordingly.

Record and
returns as to
references

(2) The clerk shall keep a record in the form prescribed by regulations made by the Attorney General of all cases in which medical referees are summoned as assessors or matters are referred to medical referees, and shall forward a copy of the same to the Attorney General at such times as may be prescribed by such regulations.

Matters, how distinguished.

Matters, how
distinguished

71. Every matter brought into the court under the Act shall be intitled in the matter of the Act, and shall be distinguished by a separate number; and all documents filed and subsequent proceedings taken in the court with reference to such matter shall be intitled in like manner, and shall be distinguished by the same number; and the entries made in the special register with respect to each such matter shall be entered together, and shall be kept separate from the entries with respect to any other matter.

Forms.

Forms in
appendix or
like forms
may be used

72. The forms in the appendix, where applicable, and where they are not applicable forms of the like character, with such variations as the circumstances may require, may be used in proceedings under the Act.

APPENDIX.

FORM 1.

APPLICATION FOR ARBITRATION BY INJURED WORKMAN WITH RESPECT TO
THE COMPENSATION PAYABLE TO HIM.

In the District Court of holden at
In the matter of *The Workmen's Compensation Act*, 1908.

No. of Matter

In the matter of an Arbitration between
A.B.
of (address)
(description) Applicant.

and

C.D. & Co., Limited,
of (address)
(description) Respondent.

1. On the day of
personal injury by accident arising out of and in the course of his employment
was caused to *A.B.*, a workman employed by *C.D. & Co., Limited* (or, by
....., a contractor with *C.D. & Co., Limited*, for the
execution of work undertaken by them).

2. A question has (or, questions have) arisen (here state the questions,
specifying only those which have arisen, e.g.)—

- (a) as to whether the said *A.B.* is a workman to whom the above-mentioned Act applies; or
- (b) as to the liability of the said *C.D. & Co., Limited*, to pay compensation under the above-mentioned Act in respect of the said injury;
or
- (c) as to the amount (or, duration) of the compensation payable by the said *C.D. & Co., Limited*, to the said *A.B.*, under the above-mentioned Act in respect of the said injury.
(or, as the case may be.)

3. An arbitration under the above-mentioned Act is hereby requested between the said *A.B.* and the said *C.D. & Co., Limited*, for the settlement of the said question (or, questions).

4. Particulars are hereto appended (or, annexed).

2. A question has (or, questions have) arisen (here state the questions, specifying only those which have arisen, e.g.)—

- (a) as to whether the said A.B. was a workman to whom the above-mentioned Act applied; or
- (b) as to the liability of the said C.D. & Co., Limited, to pay compensation under the above-mentioned Act to the dependants of the said A.B. in respect of the injury caused to them by the death of the said A.B.; or
- (c) as to the amount of compensation payable by the said C.D. & Co., Limited, to the dependants of the said A.B. under the above-mentioned Act in respect of the injury caused to them by the death of the said A.B.; or
- (d) as to who are dependants of the said A.B., within the meaning of the above-mentioned Act; or
- (e) as to the apportionment and application of the compensation payable by the said C.D. & Co., Limited, to the dependants of the said A.B. in respect of the injury caused to them by the death of the said A.B.

(or, as the case may be.)

3. An arbitration under the above-mentioned Act is hereby requested between E.F., the legal personal representative of the said A.B., action on behalf of the dependants of the said A.B. (or, between E.F., a dependant of the said A.B.) and the said C.D. & Co., Limited, and G.H., who claims or may be entitled to claim to be a dependant of the said A.B.

(or, as the case may be; see Rule 4.)

for the settlement of the said question (or, questions).

4. Particulars are hereto appended (or, annexed).

PARTICULARS.

1. Name and late address of deceased workman.
2. Name, place of business, and nature of business of respondent from whom compensation is claimed.

3. Nature of employment of deceased at time of accident, and whether employed under respondent or under a contractor with him. (If employed under a contractor who is not a respondent, name and place of business of contractor to be stated.)

4. Date and place of accident, nature of work on which deceased was then engaged, and nature of accident, and cause of injury.

5. Nature of injury to deceased, and date of death.

6. Earnings of deceased during the three years next preceding the injury, if he had been so long in the employment of the employer by whom he was immediately employed, or if the period of his employment had been less than the said three years, particulars of his average weekly earnings during the period of his actual employment under the said employer.

7. Amount of weekly payments (if any) made to deceased under the Act, and of any lump sum paid in redemption thereof.

8. Name and address of applicant for arbitration.

9. Character in which applicant applies for arbitration, i.e., whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so.

10. Particulars as to dependants of deceased by whom or on whose behalf the application is made, giving their names and addresses, and descriptions and occupations (if any), and their relationship to the deceased, and if infants, their respective ages, and stating whether they were wholly or partially dependant on the earnings of the deceased at the time of his death.

11. Particulars as to any persons claiming or who may be entitled to claim to be dependants, but as to whose claim a question arises, and who are therefore made respondents, with their names, addresses, and descriptions and occupations (if any).

12. Particulars of amount claimed as compensation, and of the manner in which the applicant claims to have such amount apportioned and applied.

13. Date of service of statutory notice of accident on respondent from whom compensation is claimed, and whether given before deceased voluntarily left the employment in which he was injured. (A copy of the notice to be annexed.)

14. If notice not served, reason for omission to serve same.

The names and addresses of the applicant and his solicitor are:

Of the Applicant.....

Of his Solicitor.....
 The names and addresses of the respondents to be served with this application are:

C.D. & Co., Limited.

G.H.

Dated this..... day of.....

(Signed).....

Applicant.

(Or,.....

Applicant's Solicitor.)

FORM 3.

APPLICATION FOR ARBITRATION AS TO WHO ARE DEPENDANTS OR AS TO THE AMOUNT PAYABLE TO EACH DEPENDANT, WHERE THE TOTAL AMOUNT PAYABLE AS COMPENSATION TO THE DEPENDANTS OF A DECEASED WORKMAN HAS BEEN AGREED OR ASCERTAINED.

In the District Court of.....holden at.....

In the matter of *The Workmen's Compensation Act, 1908.*

No. of Matter.....

In the matter of an Arbitration between:

E.F., of (address).....

(description).....Applicant,

and

C.D. & Co., Limited, of (address).....

(description).....

and

G.H., of (address).....

(description).....

and

J.K., of (address).....

(description).....

and

L.M., of (address).....

(description).....Respondents.

(or, as the case may be; see Rule 5.)

1. On the.....day of.....
 personal injury by accident arising out of and in the course of his employment was caused to *A.B.*, late of....., deceased, a workman employed by *C.D. & Co., Limited*, (or, by....., a contractor with *C.D. & Co., Limited*, for the execution of work undertaken by them), and on the.....day of.....
 the death of the said *A.B.* resulted from the injury.

2. The amount of compensation payable by the said *C.D. & Co., Limited*, to the dependants of the said *A.B.*, under the above-mentioned Act, in respect of the injury caused to them by the death of the said *A.B.*, has been agreed (or, ascertained), but a question has (or, questions have) arisen, (here state the questions, specifying only those which have arisen, e.g.)—

(a) as to who are dependants of the said *A.B.* within the meaning of the above-mentioned Act; or

(b) as to the apportionment and application of the compensation payable to the dependants of the said *A.B.*

(or, as the case may be.)

3. An arbitration under the above-mentioned Act is hereby requested between *E.F.*, the legal personal representative of the said *A.B.*, acting on behalf of *N.O.*, *P.R.*, etc., dependants of the said *A.B.* (or, between *E.F.*, *N.O.*, *P.R.*, etc., dependants of the said *A.B.*), and the said *C.D. & Co Limited*, and *G.H.*, *J.K.*, and *L.M.*, who are or claim or may be entitled to claim to be dependants of the said *A.B.*

(or, as the case may be; see Rule 5.)

for the settlement of the said question (or, questions).

4. Particulars are hereto appended (or, annexed).

PARTICULARS.

1. Name and late address of deceased workman.

2. Name and place of business of employer by whom compensation has been paid or is payable.

3. Date of accident of deceased, and date of death.
 4. Agreed or ascertained amount of compensation to be paid to dependants of deceased.

5. Particulars as to whether the compensation money is still payable by the employer or has been paid by him, and if so, to whom, and in whose hands it now is.

6. Character in which the applicant applies for arbitration, *i.e.*, whether as legal personal representative of deceased or as a dependant, and if as a dependant, particulars showing how he is so.

7. Particulars as to the dependants or persons claiming to be dependants by whom or on whose behalf the application is made, giving their names and addresses, and descriptions and occupations (if any), and their relationship to the deceased, and if infants, their respective ages, and stating whether they were or claim to have been wholly or partially dependant on the earnings of the deceased at the time of his death.

8. The like particulars as to any dependants who are made respondents.

(NOTE.—If there is a legal personal representative, and he is not the applicant he must be made a respondent.)

9. Particulars as to any persons claiming or who may be entitled to claim to be a dependant, but as to whose claim a question arises, and who are therefore made respondents, with their names, addresses, descriptions, and occupations (if any).

10. Particulars of the manner in which the applicant claims to have the amount of compensation apportioned and applied.

The names and addresses of the applicant and his solicitor are:

Of the Applicant.....

Of his Solicitor.....

The names and addresses of the respondents to be served with this application are:

C.D. & Co., Limited.....

G.H......

J.K......

L.M......

(*or, as the case may be.*)

Dated this.....day of.....

(*Signed*).....

Applicant.

(*Or*.....

Applicant's Solicitor.)

FORM 4.

APPLICATION FOR ARBITRATION WITH RESPECT TO THE COMPENSATION PAYABLE IN RESPECT OF EXPENSES OF MEDICAL ATTENDANCE AND BURIAL, WHERE DECEASED WORKMAN LEAVES NO DEPENDANTS.

In the District Court of.....holden at.....

In the matter of *The Workmen's Compensation Act, 1908.*

No. of Matter.....

In the matter of an Arbitration between:

E.F., of (address).....

(description).....Applicant,

and

C.D. & Co., Limited, of (address).....

(description).....Respondents.

1. On the.....day of.....personal injury by accident arising out of and in the course of his employment was caused to *A.B.*, late of....., deceased, a workman employed by *C.D. & Co., Limited* (*or, by a contractor with C.D. & Co., Limited, for the execution of work undertaken by them*), and on the.....day of.....the death of the said *A.B.* resulted from the injury.

2. The said *A.B.* left no dependants within the meaning of the above-mentioned Act.

3. A question has (*or, questions have*) arisen (*here state the questions, specifying only those which have arisen, e.g.*)—

(a) as to whether the said *A.B.* was a workman to whom the above-mentioned Act applied; *or*

- (b) as to the liability of the said *C.D. & Co., Limited*, to pay compensation under the above-mentioned Act in respect of the reasonable expenses of the medical attendance on and the burial of the said *A.B.*; or
- (c) as to the amount of compensation payable by the said *C.D. & Co., Limited*, under the above-mentioned Act in respect of the reasonable expenses of the medical attendance on and the burial of the said *A.B.*; or
- (d) as to the apportionment and application of the compensation payable by the said *C.D. & Co., Limited*, under the above-mentioned Act in respect of the reasonable expenses of the medical attendance on and the burial of the said *A.B.*
(*or, as the case may be.*)
4. An arbitration under the above-mentioned Act is hereby requested between *E.F.* and the said *C.D. & Co., Limited*, and *G.H.* for the settlement of the said question (*or, questions*).

PARTICULARS.

1. Name and address of deceased workman.
 2. Name, place of business, and nature of business of respondent from whom compensation is claimed.
 3. Nature of employment of deceased at time of accident, and whether employed under respondent or under a contractor with him.
(*If employed under a contractor who is not a respondent, name and place of business of contractor to be stated.*)
 4. Date and place of accident, nature of work on which deceased was then engaged, and nature of accident and cause of injury.
 5. Nature of injury to deceased, and date of death.
 6. Name and address of applicant for arbitration, *i.e.*, whether as legal personal representative of deceased, or a person to whom expenses in respect of which compensation is payable are due; and if the latter, particulars must be given of the circumstances under which the expenses are claimed to be due to the applicant.
 7. Particulars as to any other persons who claim that expenses in respect of which compensation is payable are due to them, and who are therefore made respondents, with their names and addresses.
 8. Particulars of amount claimed as compensation, and of the manner in which the applicant desires such amount to be apportioned and applied.
 9. Date of service of statutory notice of accident on respondent from whom compensation is claimed, and whether given before deceased voluntarily left the employment in which he was injured.
(*A copy of the notice to be annexed.*)
 10. If notice not served, reason for omission to serve same.
- The names and addresses of the applicant and his solicitor are:
- Of the Applicant
- Of his Solicitor
- The names and addresses of the respondents to be served with this application are:
- C.D. & Co., Limited*
- G.H.*
- Dated this day of
(*Signed*)

Applicant,

(Or
Applicant's Solicitor).

FORM 5.

APPLICATION FOR ARBITRATION WITH RESPECT TO THE REVIEW, TERMINATION, DIMINUTION, INCREASE, OR REDEMPTION OF A WEEKLY PAYMENT.

In the District Court of holden at

In the matter of *The Workmen's Compensation Act, 1908.*

No. of Matter

In the matter of an Arbitration between:

C.D. & Co., Limited, of (address)

(description) Applicants,

and

A.B., of (address).....
(description).....

(or as the case may be; see Act, Schedule I, paragraphs 13 and 14.)

An arbitration under *The Workmen's Compensation Act, 1908*, is hereby requested between C.D. & Co., Limited, and A.B. (or as the case may be; See Act, Schedule I, paragraphs 13 and 14 with respect to the review and termination (or, diminution, increase, or redemption, as the case may be) of the weekly payment payable to the said A.B. under the said Act in respect of personal injury caused to him by accident arising out of and in the course of his employment.

Particulars are hereto appended (or, annexed).

PARTICULARS.

1. Name and address of injured workman.
 2. Name and place of business of employer by whom compensation is payable.
 3. Date and nature of accident.
 4. Date of agreement, decision, award, or certificate fixing weekly payment, amount of such payment, and date from which it commenced.
 5. Relief sought by applicants, whether termination, diminution, increase, or redemption.
 6. Grounds on which termination, diminution, or increase is claimed.
- The names and addresses of the applicants and their solicitors are:
Of the Applicants.....
Of their Solicitor.....
The names and address of the respondents to be served with this application are:
Dated this..... day of.....
(Signed).....
Applicants.
(Or.....
Applicants' Solicitors.)

FORM 6.

APPLICATION FOR ARBITRATION WHERE RIGHTS OF EMPLOYER AGAINST INSURERS ARE TRANSFERRED TO WORKMAN UNDER SECTION 7.

In the District Court of..... holden at.....

In the matter of *The Workmen's Compensation Act, 1908*.

No. of Matter.....

In the matter of an arbitration between:

A.B., of (address).....
(description)..... Applicant,

and

(name and address of Insurers)..... Respondents.

1. On the..... day of.....
personal injury by accident arising out of and in the course of his employment was caused to A.B., a workman employed by.....
of (name and address of employer), (or, by..... of.....
....., a contractor with (name and address of employer)
for the execution of work undertaken by him), and the said A.B. claims that the said (employer) thereupon became liable to pay compensation under *The Workmen's Compensation Act, 1908*, to the said A.B. in respect of such injury.

Or, where weekly payment has been settled,

1. Under an agreement (or a decision or an award or a certificate) recorded in this court on the..... day of.....
a weekly payment of..... is payable by.....
of (name and address of employer) to the above-mentioned A.B. as compensation for personal injury caused to the said A.B. by accident arising out of and in the course of his employment as a workman employed by the said..... (employer) (or, by.....
of....., a contractor with the said..... (employer) for the execution of work undertaken by him).

2. The respondents are insurers of the said..... (employer) in respect of his (or, their) liability to pay such compensation.

3. The said.....(*employer*) has made an assignment for the benefit of his creditors (*or, if the employer is a company, the said.....has commenced to be wound up*) and the rights of the said.....(*employer*) against the respondents as such insurers in respect of his (*or, their*) liability to the said A.B. have by virtue of section 7 of the said Act been transferred to and vested in the said A.B.

4. A question has (*or, questions have*) arisen, (*here state the questions, specifying only those which have arisen; e.g.*)—

- (a) as to whether the said A.B. is a workman to whom the above-mentioned Act applies; *or*
- (b) as to the liability of the said.....(*employer*) to pay compensation under the above-mentioned Act in respect of the said injury; *or*
- (c) as to the liability of the respondents as such insurers as aforesaid to the said A.B.; *or*
- (d) as to the amount (*or, duration*) of the liability of the respondents as such insurers as aforesaid to the said A.B.
(*or, as the case may be.*)

5. An arbitration under the above-mentioned Act is hereby requested between the said A.B. and the respondents for the settlement of the said question (*or, questions*).

6. Particulars are hereto appended (*or, annexed*).

PARTICULARS.

(*Here insert particulars containing a concise statement of the circumstances under which the application is made, and of all matters necessary to be stated in order to bring the questions to be settled properly before the judge, and of the relief or order which the applicant claims, adapting the particulars given in the preceding forms to the circumstances of the case.*)

The names and addresses of the applicant and his solicitor are:

Of the Applicant.....

Of his Solicitor.....

The names and addresses of the respondents to be served with this application are:

Dated this.....day of.....

(*Signed*).....

Applicant.

(*Or*.....

Applicant's Solicitor.)

(NOTE.—This form to be adapted as required to an application for arbitration as between the dependants of a deceased workman and insurers.)

FORM 7.

NOTICE TO APPLICANT OF DAY UPON WHICH ARBITRATION WILL BE PROCEEDED WITH.

In the District Court of.....holden at.....

In the matter of *The Workmen's Compensation Act, 1908.*

No. of Matter.....

In the matter of an Arbitration between:

Take notice that the judge of this court will proceed with the arbitration in this matter at.....on.....
the.....day of....., at the hour of
.....o'clock in the.....noon.

Dated this.....day of.....

Clerk.

FORM 8.

NOTICES TO RESPONDENT OF DAY UPON WHICH ARBITRATION WILL BE
PROCEEDED WITH.*(Heading as in Request for Arbitration.)*

Take notice that the judge of this court will proceed with the arbitration applied for in the request and particulars, a sealed copy of which is served herewith, at.....on.....the.....day of.....at the hour of.....o'clock in the.....noon; and that if you do not attend either in person or by your solicitor at the time and place above mentioned such order will be made and proceedings taken as the judge may think just and expedient.

And further take notice that if you wish to disclaim any interest in the subject matter of the arbitration, or consider that the applicant's particulars are in any respect inaccurate or incomplete, or desire to bring any fact or document to the notice of the judge, or intend to rely on any fact, or to deny (wholly or partially) your liability to pay compensation under the Act, you must file with me an answer, stating your name and address and the name and address of your solicitor (if any) and stating that you disclaim any interest in the subject matter of the arbitration, or stating in what respect the applicant's particulars are inaccurate or incomplete, or stating concisely any fact or document which you desire to bring to the notice of the judge, or on which you intend to rely, or the grounds on and extent to which you deny liability to pay compensation.

Such answer, together with a copy thereof for the judge, and a copy for the applicant and for each of the other respondents, must be filed with me ten clear days at least before the.....day of.....

If no answer is filed, and subject to such answer, if any, the applicant's particulars and your liability to pay compensation will be taken to be admitted.

Dated this.....day of.....
To.....Clerk.
of.....

FORM 9.

ANSWER BY RESPONDENTS.

*(Not to be Printed, but to be Used as a Precedent.)**(Heading as in Request for Arbitration.)*

Take notice that the respondent *G.H.* disclaims any interest in the subject matter of the above arbitration.

Or,
That the respondents, *C.D. & Co., Limited*, state that the applicant's particulars filed in this matter are inaccurate or incomplete in the particulars hereto annexed.

Or,
That the respondents, *C.D. & Co., Limited*, desire to bring to the notice of the judge the facts stated in the particulars hereto annexed.

Or,
That the respondents, *C.D. & Co., Limited*, intend at the hearing of the arbitration to give evidence and rely on the facts stated in the particulars hereto annexed.

Or,
That the respondents, *C.D. & Co., Limited*, deny their liability to pay compensation under the Act in respect of the injury to *A.B.* mentioned in the applicant's particulars, on the grounds stated in the particulars hereto annexed.

PARTICULARS.

1. *Particulars in which the particulars filed by the Applicant are inaccurate or incomplete.*

2. *Facts which the Respondents desire to bring to the notice of the judge.*

That the applicant, A.B. refuses to submit himself to medical examination as required by (or, obstructs the medical examination required by) the respondents, C.D. & Co., Limited, in accordance with paragraph 4 of the first schedule to the Act (or, refuses to submit himself for examination by a medical referee as ordered), (or, obstructs the examination by a medical referee ordered), in accordance with paragraph 12 of the first schedule to the Act.

(or, as the case may be.)

3. *Facts which the Respondents, C.D. & Co., Limited, intend to give in evidence and rely on at the hearing of the arbitration.*

That notice of the alleged accident (or, of death, disablement, or, suspension) was not given to the respondents as required by the Act; or

That the claim for compensation was not made on the respondents within the time limited by the Act; or

That a scheme of compensation (benefit or insurance) for the workmen of the respondents, C.D. & Co., Limited, has been duly certified by the Attorney General, and such certificate was in force at the date of the alleged accident, and the said C.D. & Co., Limited, contracted with the applicant, A.B., (or, with the deceased workman), by a contract which was in force at the date of the alleged accident, that the provisions of the said scheme should be substituted for the provisions of the Act, and the said C.D. & Co., Limited, are consequently liable only in accordance with the said scheme.

(or, as the case may be.)

4. *Grounds on which the respondents deny their liability to pay compensation—*

(a) That the applicant, A.B., is (or, the deceased workman was) not a workman to whom the Act applies; or

(b) That the injury to the applicant (or, to the deceased workman) was not caused by accident arising out of and in the course of his employment; or

(c) That the injury to the applicant (or, to the deceased workman) was attributable to the serious and wilful misconduct of the applicant (or, to the deceased workman), and did not result in death or permanent disablement; or

(d) That at the time of the alleged accident the applicant (or, the deceased workman) was not immediately employed by the respondents, but was employed by of a contractor with the respondents for the execution by or under such contractor of work undertaken by the respondents, and the accident occurred elsewhere than on, in, or about premises on which the respondents had undertaken to execute the work or which were otherwise under the control or management of the respondents; or

(e) That the injury to the applicant (or, to the deceased workman) was caused under circumstances creating a legal liability in a person other than the respondents, to wit, (name and address of such persons) to pay damages in respect thereof, and the applicant (or, the deceased workman) has taken proceedings against that person and has recovered damages from him.

And further take notice, that the names and addresses of the said respondents and their solicitors are:

Of the Respondents, C.D. & Co., Limited.....

Of their Solicitors.....

Dated this day of

(Signed).....

Solicitors for Respondents,
C.D. & Co., Limited.

To the Clerk of the Court, and

To the Applicant, A.B., and

To the Respondents (if any, naming them).

FORM 10.

NOTICE BY RESPONDENT ADMITTING LIABILITY, AND SUBMITTING TO AN AWARD FOR PAYMENT OF A WEEKLY SUM, OR PAYING MONEY INTO COURT.

(Not to be Printed, but to be Used as a Precedent.)

(Heading as in Request for Arbitration).

Take notice that the respondents, *C.D. & Co., Limited*, admit their liability to pay compensation in the above-mentioned matter.

And they hereby submit to an award for payment by them to the applicant, *A.B.*, of the weekly sum of such weekly payment to commence as from the day of and to continue during the total or partial incapacity of the said *A.B.* for work, or until the same shall be ended, diminished, increased, or redeemed in accordance with the provisions of the above-mentioned Act.

And for payment to them by the applicant forthwith after the award of the amount of such weekly payments calculated from the day of until the first Saturday (or, other usual pay day) after the date of the award, and for the payment thereafter of the said sum of to the applicant on Saturday (or, other usual pay day) in every week.

(Or, And the said *C.D. & Co., Limited*, herewith pay into court the sum of \$..... in satisfaction of such liability.)

Dated this day of

(Signed)
Solicitors for the Respondents,
C.D. & Co., Limited.

To the Clerk of the Court, and
To the Applicant, *A.B.*, and
To the Respondents (if any, naming them).

FORM 11.

NOTICE OF FILING SUBMISSION TO AN AWARD.

(Heading as in Request for Arbitration.)

Take notice that the respondents, *C.D. & Co., Limited*, have this day filed with me a notice (copy of which is sent herewith) that they admit their liability to pay compensation in the above-mentioned matter, and submit to an award for payment by them to you of the weekly sum of \$.....

If you elect to accept such weekly sum in satisfaction of your claim, you must send to the clerk of this Court, and to the said *C.D. & Co., Limited*, a written notice forthwith by post, or leave such notice at the office of the clerk, and at the residence or place of business of the said *C.D. & Co., Limited*.

If you send such notice, the judge of this court will, on application made to him, make an award directing payment of such weekly sum to you, and you will be liable to no further costs.

In default of such notice, the arbitration will be proceeded with; and if no greater weekly payment is awarded to you, you will be liable to be ordered to pay the costs incurred by the respondents subsequent to the receipt by you of this notice.

Dated this day of

.....
Clerk.

To the Applicant, *A.B.*

FORM 12.

NOTICE OF PAYMENT INTO COURT.

(Heading as in Request for arbitration.)

Take notice that the respondents, *C.D. & Co., Limited*, have this day filed with me a notice that they admit their liability to pay compensation in the above-mentioned matter, and they have paid into court the sum of \$.....in satisfaction of such liability.

If you are willing to accept the sum so paid into court in satisfaction of the compensation payable in the above-mentioned matter, you must send to the clerk of this court, and to the said *C.D. & Co., Limited*, and to the other respondents (*or, where this notice is sent to a respondent*, to the applicant and the other respondents), a written notice forthwith by post, or leave such notice at the office of the clerk, and at the residence or place of business of the said *C.D. & Co., Limited*, and at the residence or place of business of each of the other respondents (*or, of the applicant and each of the other respondents*). If you and all the other respondents (*or, If you and the applicant and all the other respondents*) send such notice and agree as to the apportionment and application of the said sum of \$....., the judge of this court will, on the application made to him, make an award for such apportionment and application, and you will be liable to no further costs.

If you and all the other respondents (*or, If you and the applicant and all the other respondents*) send such notice, but do not agree as to the apportionment and application of the said sum of \$....., the arbitration will be proceeded with as between you and such other respondents (*or, as between the applicant and yourself and such other respondents*).

In default of such notice being sent by you and all the other respondents (*or, by the applicant and yourself and all the other respondents*), the arbitration will be proceeded with; and if no greater amount than the said sum of \$.....is awarded as compensation, the parties who do not send such notice will be liable to be ordered to pay the costs incurred by the respondents, *C.D. & Co., Limited*, subsequent to the receipt by such parties of this notice, and also any costs incurred subsequent to the receipt of this notice by any parties who send notice of their willingness to accept the said sum of \$.....in satisfaction of the compensation payable in the above-mentioned matter.

Dated this.....day of.....

.....
Clerk.

To the Applicant, *A.B.*,
(*or, To the Respondent G.H.*)
(*or, as the case may be.*)

FORM 13.

NOTICE OF ACCEPTANCE OF WEEKLY SUM OFFERED, OR OF WILLINGNESS TO ACCEPT SUM PAID INTO COURT.

*(Not to be Printed but to be Used as a Precedent.)**(Heading as in Request for Arbitration.)*

Take notice that the applicant, *A.B.*, accepts the weekly sum offered by the respondents, *C.D. & Co., Limited*, in satisfaction of his claim in the above-mentioned matter (*or, that the applicant E.F., or, the respondent G.H.*) is willing to accept the sum of \$..... paid into court by the respondents, *C.D. & Co., Limited*, in satisfaction of the compensation payable in the above-mentioned matter.

But the applicant (*or, the said respondent G.H.*) will apply to the judge to include in his award an order directing the said respondents, *C.D. & Co., Limited*, to pay the costs properly incurred by the applicants (*or, the said*

respondent *G.H.*) before the receipt of notice of the offer of the said weekly sum (or, of notice of payment of the said sum of \$.....into court.)

Dated this day of

(Signed).....

or

Applicant,

.....

Respondent.

To the Clerk of the Court, and
To the Respondents, *C.D. & Co., Limited*, and
To the Applicant, *A.B.*, and
To the Respondents (*naming them.*)

FORM 14.

ORDER ADDING RESPONDENTS.

(Heading as in Request for Arbitration.)

It is this day ordered on the application of the respondents, *C.D. & Co., Limited*.....that.....
of.....be added as respondents to this arbitration
(and that the hearing of this arbitration be adjourned to the.....
day of.....at.....o'clock in the.....
noon.)

Dated this.....day of.....

 Clerk.

FORM 15.

NOTICE TO APPLICANT AND ORIGINAL RESPONDENTS OF ADDITION
OF RESPONDENTS.

(Heading as in Request for Arbitration.)

Take notice that by order dated the day of it was ordered on the application of the respondents, *C.D. & Co., Limited*, (a copy whereof is hereto annexed), that of be added as respondents to this arbitration (and that the hearing of this arbitration be adjourned to the day of at o'clock in the noon.)

Dated this.....day of.....

 Clerk.

To the Applicant, and
The Respondents, *C.D. & Co., Limited.*

FORM 16.

NOTICE TO PARTIES WHO ARE ADDED AS RESPONDENTS.

(Heading as in Request for Arbitration.)

To Messrs.....of (address and description.)

Take notice that by an order of this court, dated the day of a copy of which order is hereunto annexed, together with a copy of the request and particulars filed by the applicant in this matter, and a copy of the application on which the said order was made, you were ordered to be added as a respondent in the above arbitration.

And further take notice, that the hearing of the above arbitration has been appointed for the.....day of.....at.....o'clock in the.....noon, and that if you do not

attend, either in person, or by your solicitor, at the court house at.....
upon the day and at the hour above-mentioned, such
 order will be made and proceedings taken as the judge (or arbitrator) may
 think just and expedient.

And further take notice, that if you wish to disclaim any interest in the
 subject matter of the arbitration, or consider that the applicant's particulars
 are in any respect inaccurate or incomplete, or desire to bring any fact or
 document to the notice of the judge, or intend to rely on any fact, or to
 deny (wholly or partially) your liability to pay compensation under the
 Act, you must file with me an answer, stating your name and address and
 the name and address of your solicitor (if any), and stating that you disclaim
 any interest in the subject matter of the arbitration, or stating in what
 respect the applicant's particulars are inaccurate or incomplete, or stating
 concisely any fact or document which you desire to bring to the notice of
 the judge, or on which you intend to rely, on the grounds on and extent
 to which you deny liability to pay compensation.

Such answer, together with a copy thereof, for the judge and a copy for
 the applicant and for each of the other respondents must be filed with me
 ten clear days at least before the.....day of.....

If no answer is filed, and subject to such answer, if any, the applicant's
 particulars and your liability to pay compensation will be taken to be
 admitted.

Dated this.....day of.....

To.....

Of.....

Clerk.

FORM 17.

NOTICE BY RESPONDENTS TO THIRD PARTIES.

(Not to be printed, but to be used as a precedent.)

(Heading as in Request for Arbitration.)

To Mr.....of.....(address and description).

Take notice that A.B.,.....of, etc.....
 has filed a request for arbitration (a copy whereof is hereto annexed) as to
 the amount of compensation payable by the respondents, C.D. & Co., Limited,
 to the said A.B., in respect of personal injury caused to the said A.B.....
by accident arising out of and in the course of his
 employment.

(Or, That E.F.....of.....
 has filed a request for arbitration (a copy whereof is hereto annexed) with
 respect to the compensation payable to the dependants of A.B.....
 deceased, in respect of the injury caused to the said dependants by the death
 of the said A.B. which resulted from injury caused to the said A.B.....
by accident arising out of and in the course of his employ-
 ment.)

(Or, as the case may be; see forms of request for arbitration.)

The respondents, C.D. & Co., Limited, claim to be indemnified by you
 against their liability to pay such compensation, on the ground that at the
 time of the injury in respect of which compensation is claimed the said A.B.
 was not immediately employed by the said C.D. & Co., Limited, but was
 employed by you in the execution of work undertaken by the said C.D. &
 Co., Limited, in respect of which the said C.D. & Co., Limited, have contracted
 with you for the execution thereof, by or under you.

(Or, on the ground that the injury for which compensation is claimed,
 was caused under circumstances creating a legal liability on your part to
 pay damages in respect thereof.)

(or, as the case may be.)

And take notice that if you wish to dispute the applicant's claim as against
 the respondents, C.D. & Co., Limited, or your liability to the said respondents,
 you must appear before the judge at the time and place mentioned in the
 notice, a copy of which is hereunto annexed.

In default of your so appearing you will be deemed to admit the validity
 of any award made in the said arbitration as to any matter which the judge
 has jurisdiction to decide in such arbitrations as between the applicant,

and the respondents, *C.D. & Co., Limited*, whether such award is made by consent or otherwise, and your own liability to indemnify the said *C.D. & Co., Limited*, (or to contribute as above mentioned).

Dated this.....day of.....
 (Signed), *C.D. & Co., Limited*,
 By.....
 Secretary.
 (Or,.....
 Solicitors for the Respondents,
C.D. & Co., Limited.)

To.....
 Of.....

FORM 18.

AWARD.

(NOTE.—These forms are intended for use in ordinary cases only. The award in any special case must be settled under Rule 28, in accordance with the directions given by the judge.)

(i) In case of Application by Workman.

(Heading as in Request for Arbitration.)

Having duly considered the matters submitted to me, I do hereby make my award as follows:

(Here insert any introductory recitals of findings on which the award is made which the judge or arbitrator may direct.)

1. I order that the respondents, *C.D. & Co., Limited*, do pay to the applicant, *A.B.*.....the weekly sum of.....
 as compensation for personal injury caused to the said *A.B.*.....
 on the.....day of....., by accident
 arising out of and in the course of his employment as a workman employed
 by the said respondents, such weekly payment to commence as from the
day of....., and to continue during
 the total or partial incapacity of the said *A.B.*.....for
 work, or until the same shall be ended, diminished, increased, or redeemed
 in accordance with the provisions of the above-mentioned Act.

2. And I order that the said *C.D. & Co.* do forthwith pay to the said *A.B.*
 the sum of \$.....being the amount of such weekly payments,
 calculated from the.....day of.....until
 the.....day of.....(first Saturday or other
 usual pay day after the date of award) and do thereafter pay the said sum of
to the said *A.B.* on Saturday (or other usual pay day)
 in every week.

3. And I order that the said *C.D. & Co.* do pay to the clerk of this court,
 for the use of the applicant, his costs of and incident to this arbitration,
 such costs, in default of agreement between the parties as to the amount
 thereof, to be taxed by the clerk upon the scales of costs in use in the District
 Courts, and to be paid by the said *C.D. & Co.* to the clerk within fourteen
 days from the date of the certificate of the result of such taxation.

Dated this.....day of.....

Judge.

(ii) In case of Application by Dependents.

(Heading as in Request for Arbitration.)

Having duly considered matters submitted to me, I do hereby make my award as follows:

(Here insert any introductory recitals of findings on which the award is made which the judge or arbitrator may direct.)

1. I order that the respondents, *C.D. & Co., Limited*, do pay the sum of
 \$.....to the dependants of *A.B.*, late of.....
 deceased, as compensation for the injury resulting to such dependants from
 the death of the said *A.B.*, which took place on the.....

day of.....from injury caused to the said A.B. on the
day of.....by accident arising out of
 and in the course of his employment as a workman employed by the said
 respondents.

2. And I declare that the persons hereinafter named are entitled to share
 in such compensation as dependants of the said A.B., that is to say, J.B.,
 the widow of A.B., and (name the other persons).

3. (Add, if so found), And I declare that the respondent G.H., the
of the said A.B. is not entitled to share in such compensation
 as a dependant of the said A.B.

4. And I order that the sum of \$.....be apportioned between
 the said J.B. and (name the other person) in the proportions following, that
 is to say:

I apportion the sum of \$.....to or for the benefit of the
 said J.B., and the sum of \$.....to or for the benefit of the
 said (specify the persons entitled and the sums apportioned to them).

5. And I order that the said C.D. & Co., Limited, do pay the said sum
 of \$.....to the clerk of this court within fourteen days from the
 date of this award.

6. And I order that on payment to the clerk of the said sum of \$.....
 the clerk do forthwith pay to the said J.B. the sum of \$.....
 hereby apportioned to her, (or, the sum of \$.....out of the
 sum of \$.....hereby apportioned to her), and that the balance
 of the last mentioned sum (less the fee for the investment thereof) be invested
 by the clerk in his name in the following securities, namely,
 for the benefit of the said J.B., and that out of the sum so invested and
 the accruing interest thereof the clerk do from time to time until further
 order pay to the said J.B. the weekly (or, fortnightly) sum of \$.....,
 the first payment to be made on the.....day of

7. And I order that on payment to the clerk of the said sum of \$.....
 the sums of \$.....and \$.....hereby apportioned
 to or for the benefit of the said.....respectively (less
 the fees for the investment thereof) be invested by the clerk in his name
 in securities approved by the Court for the benefit of the said.....
 and.....respectively, and that interest arising from such
 investments be from time to time until further order paid to the said J.B.,
 to be by her applied for the maintenance, education, or benefit of the said
and.....respectively.

8. And I order that the said J.B. and the said.....
 or any of them be at liberty to apply to the judge from time to time as they
 may be advised for any further or other order as to the application of any
 of the said sums so ordered to be invested and the accruing interest thereof.

9. And I order that the said C.D. & Co., Limited, do pay to the clerk of
 this court, for the use of the applicants, their costs of and incident to this
 arbitration, such costs, in default of agreement between the parties as to
 the amount thereof, to be taxed by the clerk under the scales of costs in
 use in the District Courts, and to be paid by the said C.D. & Co., Limited,
 to the clerk within fourteen days from the date of the certificate of the result
 of such taxation.

(Add directions (if any given) as to costs occasioned by claim of person claiming
 as a dependant whose claim is disallowed.)

Dated this.....day of.....

.....
 Judge.

(iii) In the case of Application by Person to whom Expenses of Medical
 Attendance or Burial are due.

(Heading as in Request for Arbitration.)

Having duly considered the matters submitted to me, I do hereby make
 my award as follows:

(Leave space for any introductory recitals of findings on which the award
 is made which the judge may direct.)

1. I order that the respondents, C.D. & Co., Limited, do pay the sum
 of \$.....for or towards the expenses of medical attendance
 on and the burial of A.B., late of....., deceased, who
 died on the.....day of.....from injury

caused on the.....day of.....by accident arising out of and in the course of the employment of the said *A.B.* as a workman employed by the said *C.D. & Co., Limited*.

2. And I declare that the persons hereinafter named are entitled to share in such compensation, that is to say:

The applicant, *E.F.*, in respect of charges amounting to \$..... due to (or payable by) him for medical attendance on the said *A.B.* and the respondent *G.H.*, in respect of charges amounting to \$..... due to him for the burial of the said *A.B.*

3. And I order that the respondents, *C.D. & Co., Limited*, do pay the said sum of \$..... to the clerk of this court within fourteen days from the date of this award, and that the said sum of \$..... be apportioned between and paid to the said *E.F.* and *G.H.* in proportion to the amounts due to them respectively as aforesaid.

4. And I order that the said *C.D. & Co., Limited*, do pay to the clerk of this court, for the use of the applicant *E.F.*, and the respondent *G.H.*, their respective costs of and incident to this arbitration, such costs, in default of agreement between the parties as to the amount thereof, to be taxed by the clerk under the scales of costs in use in the District Courts, and to be paid by the said *C.D. & Co., Limited*, to the clerk within fourteen days from the date of the certificate of the result of such taxation.

Dated this.....day of.....

Judge.

(NOTE.—The above forms will serve as guides for framing awards in other cases of arbitration.)

FORM 19.

NOTICE OF DAY UPON WHICH SPECIAL CASE WILL BE HEARD.

In the District Court of.....holden at.....

(Heading as in Special Case.)

Take notice that the judge of this court will hear the special case stated in the above-named matter at a court to be holden at..... on.....the.....day of..... at the hour of.....in the.....noon; and that if you do not attend in person or by your solicitor at the place and time above-mentioned, such order will be made and proceedings taken as the judge may think just.

You may obtain a copy of the case upon application at my office and upon prepayment of the costs of such copy.

Dated this.....day of.....

Clerk.

To (The Applicant and Respondents.)

FORM 20.

APPLICATION FOR APPOINTMENT OF NEW ARBITRATOR. (Schedule II, Paragraph 7.)

(Not to be printed, but to be used as a Precedent.)

In the District Court of.....holden at.....

In the matter of *The Workmen's Compensation Act, 1908.*

In the matter of an arbitration between:

A.B., of (address).....Applicant,
(description).....

and

C.D. & Co., Limited, of (address).....Respondents.
(description).....

Application is hereby made to the judge on behalf of the above-named.....to appoint a new arbitrator in the above-

mentioned matter in place of Mr., the arbitrator appointed therein, by reason of the death (or refusal or inability to act) of the said Mr.

And the applicant hereby requests that a time and place may be fixed for the hearing of the application.

Dated this day of
 (Signed) Applicant,
 (Or Applicant's Solicitor).

FORM 21.

SUMMONS ON APPLICATION FOR APPOINTMENT OF NEW ARBITRATOR.

(Title as in Application.)

You are hereby summoned to attend before the judge in chambers at on the day of at the hour of in the noon, on the hearing of an application on the part of for the appointment by the judge of a new arbitrator in the above-mentioned matter in the place of Mr., the arbitrator appointed therein, by reason of the death (or refusal or inability) to act) of the said Mr.

And take notice, that in default of your attendance at the time and place above mentioned, the judge will, on proof of the service of this summons, proceed to hear and dispose of the said application.

Dated this day of

To Clerk.
 and to his (or their) Solicitor.

FORM 22.

FORM OF MEMORANDUM UNDER PARAGRAPH 8 OF SCHEDULE II.

(Not to be printed, but to be used as a Precedent.)

To the clerk of the District Court of holden at

In the matter of *The Workmen's Compensation Act*, 1908.

and

In the matter of an Arbitration between:

A.B., of, etc. Applicant,

and

C.D. & Co., Limited, of, etc., Respondents.

(Or, where the matter has been decided by agreement without arbitration),

In the matter of an agreement between:

A.B., of, etc.

and

C.D. & Co., Limited, of, etc.

Be it remembered, that on the day of personal injury was caused to the above-named A.B. by accident arising out of and in the course of his employment:

And that on the day of the following agreement was come to by and between the said A.B. and the said C.D. & Co., Limited, that is to say:

(Or, And that on the day of the following decision was given by a committee representative of the said C.D. & Co., Limited, and their workmen, having power to settle matters under the above-mentioned Act in the case of the said C.D. & Co., Limited, and their workmen, that is to say:)

(Or, And that on the.....day of.....the following award was made and given by me, the undersigned, being an arbitrator agreed on by the said A.B. and the said C.D. & Co., Limited, that is to say:)

(Here set out copy of agreement, decision, or award.)

(Or, where death resulted from accident—

Be it remembered, that on the.....day of....., personal injury was caused to A.B., late of....., deceased, by accident arising out of and in the course of his employment, and that on the.....day of.....the said A.B. died as the result of such injury:

And that on the.....day of.....the following agreement was come to by and between C.B., G.B., etc., the dependants of the said A.B. within the meaning of the above-mentioned Act, and the said C.D. & Co., Limited, that is to say: or, And that on the.....day of.....the following decision was given: by a committee representative of the said C.D. & Co., Limited, and their workmen, having power to settle matters under the above-mentioned Act in the case of the said C.D. & Co., Limited, and their workmen, that is to say:)

(Or, And that on the.....day of.....the following award was made and given by me, the undersigned, being an arbitrator agreed on by C.B., G.B., etc., the dependants of the said A.B. within the meaning of the above-mentioned Act, and the said C.D. & Co., Limited, that is to say:)

(Here set out copy of agreement, decision, or award.)

A copy of the report of Mr....., a medical referee appointed to report in the above-mentioned matter, is hereunto annexed (add, if so, The said Mr.....attended the arbitration on the.....day of.....).

You are hereby requested to record this memorandum, pursuant to paragraph 8 of the second schedule to the above-mentioned Act.

Dated this.....day of.....

(To be signed—

In the case of an agreement by the parties or some one of them, or by their or his solicitor on their or his behalf;

In the case of a decision by a committee, by the chairman and secretary on behalf of the committee;

In the case of an award, by the arbitrator.)

NOTE.—This form to be adapted to the circumstances of the case and the matter decided.

FORM 23.

NOTICE OF MEMORANDUM HAVING BEEN RECEIVED.

In the District Court of.....holden at.....

(Heading as in Memorandum.)

Take notice that a memorandum, copy of which is hereto annexed, has been sent to me for registration.

Such memorandum appears to affect you.

I have therefore to request you to inform me within seven days from this date whether you admit the genuineness of the memorandum, or whether you dispute it, and if so, in what particulars, or object to its being recorded, and if so, on what grounds.

If you do not inform me in due course that you dispute the genuineness of the memorandum, or object to its being recorded, it may be recorded without further inquiry, and will be enforceable accordingly.

If you dispute its genuineness or object to its being recorded, it will not be recorded, except with your consent in writing, or by order of the judge of this court.

Dated this.....day of.....

.....
Clerk.

FORM 24.

NOTICE DISPUTING MEMORANDUM OR OBJECTING TO ITS BEING RECORDED.

(Not to be printed, but to be used as a Precedent.)

In the District Court ofholden at.....

(Heading as in Memorandum.)

Take notice that the undersigned *C.D. & Co., Limited*, of, etc., dispute the genuineness of the memorandum sent to you for registration in the above-mentioned matter in the following particulars:

(here state particulars.)

(Or, Take notice, That the undersigned *C.D. & Co., Limited*, of, etc., object to the memorandum sent to you for registration in the above-mentioned matter being recorded, on the following grounds:

(Here state grounds, see particularly schedule II, paragraph 8, proviso (b).)

Dated this.....day of.....

C.D. & Co., Limited,

By.....

*Secretary,**(Or,.....)**Solicitor for C.D. & Co., Limited.)*

To.....

The Clerk.

FORM 25.

NOTICE THAT MEMORANDUM IS DISPUTED, OR OF OBJECTION TO ITS BEING RECORDED.

(Heading as in Memorandum.)

Take notice that the genuineness of the memorandum in the above-mentioned matter left with (or, sent to) me for registration is disputed byof.....a party affected by such memorandum, in the following particulars:

(here state particulars of dispute.)

(Or, That.....of.....a party interested in the memorandum in the above-mentioned matter left with (or sent to) me for registration objects to the same being recorded, on the following grounds:

(here state grounds.)

The memorandum will therefore not be recorded, except with the consent in writing of the said.....or by order of the judge of this court.

Dated this.....day of.....

Clerk.

To.....

FORM 26.

NOTICE OF APPLICATION FOR REGISTRATION OF MEMORANDUM OR FOR RECTIFICATION OF REGISTER.

(Not to be printed, but to be used as a Precedent.)

In the District Court ofholden at.....

(Heading as in Memorandum.)

Take notice that I intend to apply to the judge at.....on.....the.....day of.....at the hour of.....o'clock in the.....noon (in case of notice by solicitor, on behalf of.....of.....)

for an order for the registration of the memorandum sent to the clerk in the above-mentioned matter (*or*, for an order for the rectification of the memorandum recorded in the above-mentioned matter) by (*state particulars of rectification applied for*), and for consequential directions, and for costs.
Dated this.....day of.....

.....
Applicant,
(*Or*.....
Applicant's Solicitor.)

To the Clerk of the Court,
And to
And to Messrs.....(*his, or their, solicitors*).

FORM 27.

NOTICE TO PARTIES WHERE CLERK REFERS THE QUESTION OF RECORDING
A MEMORANDUM OF AN AGREEMENT TO THE JUDGE UNDER SCHEDULE II,
PARAGRAPH 8, PROVISIO (*d*).

In the District Court of.....holden at.....

(*Heading as in Memorandum.*)

Take notice that I have refused to record the memorandum sent to me in this matter for registration, and have referred the matter to the judge, pursuant to proviso (*d*) to paragraph 8 of the second schedule to the Act, it appearing to me that the memorandum ought not to be registered by reason of—

- (*a*) the inadequacy of the lump sum agreed to be paid in redemption of the weekly payment referred to in the memorandum; *or*
- (*b*) the inadequacy of the amount of compensation agreed to be paid to....., a person under legal disability; *or*
- (*c*) the inadequacy of the amount of compensation agreed to be paid to.....and.....dependants; *or*
- (*d*) the agreement having been obtained by fraud (*or*, undue influence *or*, improper means.)

And further take notice, That by order of the judge you are hereby summoned to attend before the judge at a court to be holden at.....on.....the.....day of.....at the hour.....in the.....noon, when the matter will be inquired into by the judge.

And that if you do not attend either in person or by your solicitor on the day and at the hour above mentioned such order will be made and proceedings taken as the judge may think just and expedient.

Dated this.....day of.....

.....
Clerk.

To (*all parties concerned*).

FORM 28.

APPLICATION FOR REMOVAL OF RECORD OF MEMORANDUM OF AGREEMENT
FROM REGISTER UNDER SCHEDULE II, PARAGRAPH 8, PROVISIO (*e*).

In the District Court of.....holden at.....

(*Heading as in Memorandum.*)

Take notice that I intend to apply to the judge at.....on.....the.....day of.....at the hour of.....in the.....noon, for an order for the removal from the register of the record of the memorandum of the agreement in the above-mentioned matter which was recorded on the.....day of....., pursuant to proviso (*e*) to paragraph 8 of

the second schedule to the above-mentioned Act, on the ground that the said agreement was obtained by fraud (or undue influence or improper means), and for consequential directions and for costs.

Dated this day of

Applicant,

(Or
Applicant's Solicitor.)

To the Clerk of the Court,
And to Messrs. and his (or their) Solicitor.

FORM 29.

NOTICE TO PARTIES WHERE JUDGE DIRECTS INQUIRY AS TO REMOVAL OF RECORD OF MEMORANDUM OF AGREEMENT FROM REGISTER UNDER SCHEDULE II, PARAGRAPH 8, PROVISIO (e).

In the District Court of holden at

(Heading as in Memorandum.)

Whereas, it has been made to appear to the judge that an inquiry should be held as to the removal from the register of the record of the memorandum of the agreement in the above-mentioned matter which was recorded on the day of, pursuant to proviso (e) to paragraph 8 of the second schedule to the above-mentioned Act, on the ground that the said agreement was obtained by fraud (or undue influence or, improper means);

Take notice that you are hereby summoned to attend before the judge at a court to be holden at on the day of at the hour of

in the noon, when the matter will be inquired into by the judge; And that if you do not attend either in person or by your solicitor on the day and at the hour above mentioned such order will be made and proceedings taken as the judge may think just and expedient.

Dated this day of

Clerk.

To (all parties concerned).

FORM 30.

FORM OF CERTIFICATE UNDER SECTION 3, SUBSECTION 4.

In the District Court of holden at
No. of plaint.

Between:

A.B., of (address)
(description) Plaintiff,

and

C.D., of (address)
(description) Defendants.

And in the matter of *The Workmen's Compensation Act, 1908.*

I hereby certify that on the day of the above-named plaintiff commenced the above-named action against the above-named defendants claiming:

(Here state claim of plaintiff in action.)

And that on the trial of the said action on the day of it was determined that the inquiry in respect of which the plaintiff claimed damages in the said action was one for which the defendants were not liable in the said action, but that such defendants would have been liable to pay compensation in respect of such injury under the above-mentioned Act;

And that thereupon the said action was dismissed, but the court, on the request of the plaintiff, proceeded to assess the compensation which the defendants would have been liable to pay under the said Act.

And that the court assessed such compensation at the sum of \$.....
and directed (*state directions given as to payment of compensation, and directions, if any given, as to costs, and as to the deduction from the compensation of any costs which in the judgment of the court were caused by the plaintiff bringing the action instead of proceeding under the Act*).

Dated this.....day of.....

.....
Clerk.

FORM 31.

APPLICATION FOR SUMMONS OF MEDICAL REFEREE AS ASSESSOR.

(*Not to be printed, but to be used as a precedent.*)

(*Heading as in Request for Arbitration.*)

The applicant (*or respondent*) applies to the judge to summon a medical referee to sit with him as an assessor, on the ground that questions are likely to arise in the arbitration as to the condition of the applicant or his fitness for employment (*or, as the case may be*), and that it is desirable that the judge should have the assistance of a medical referee in the determination of such questions.

Dated this.....day of.....

Signed A.B.....

Applicant,

(*Or*.....

Solicitor for the Applicant).

(*or, as the case may be.*)

To the Clerk of the Court.

I consent to a medical referee being summoned to sit with me as an assessor.

.....
Judge.

FORM 32.

NOTICE OF REFUSAL TO SUMMON MEDICAL REFEREE AS ASSESSOR.

(*Heading as in Request for Arbitration.*)

(*Not to be printed.*)

I hereby give you notice that His Honour the Judge of this Court has directed me to inform you that your application for a medical referee to be summoned to sit with the judge as an assessor is refused, the judge being of opinion that the summoning of a medical referee is unnecessary.

Dated this.....day of.....

.....
Clerk.

To (the applicant for an assessor).

FORM 33.

SUMMONS TO MEDICAL REFEREE TO SIT AS ASSESSOR.

(*Title as in Request for Arbitration.*)

(*Not to be printed.*)

The.....day of.....

Sir,

You are hereby summoned to attend and sit with the judge as an assessor at the court house situate at.....on.....

the.....day of.....at the hour of
.....in the.....noon.

I am, Sir,

Your obedient servant,

.....
Clerk.

To.....
of.....

FORM 34.

APPLICATION FOR REFERENCE TO MEDICAL REFEREE UNDER SCHEDULE I, PARAGRAPH 12.

(Not to be printed, but to be used as a Precedent.)

In the District Court of.....holden at.....

In the matter of *The Workmen's Compensation Act, 1908.*

In the matter of a claim for compensation made by *A.B.*, of.....
against *C.D. & Co., Limited*, of.....*(or, where an*
arbitration is pending).

In the matter of an arbitration between *A.B.*, of.....
(address).....
(description).....Applicant,

and

C.D. & Co., Limited, of *(address)*.....
(description).....Respondents.

(or, where an application is made after weekly payment has been settled),
In the matter of an agreement *(or, a decision or award or certificate recorded*
in the above-mentioned court as to the weekly payment payable to *A.B.*,
of....., by *C.D. & Co., Limited*, of.....

Application is hereby made to the court on behalf of the above-named
A.B. and *C.D. & Co., Limited*, for a reference in the above-mentioned matter
to a medical referee pursuant to paragraph 12 of the first schedule to the
above-mentioned Act under the following circumstances:

1. On.....the.....day of.....
notice was given by *(or, on behalf of)* the above-mentioned *A.B.* to the
above-mentioned *C.D. & Co., Limited*, of personal injury caused to the said
A.B. by accident arising out of and in the course of his employment, in
respect of which injury the said *A.B.* claims compensation from the said
C.D. & Co., Limited, under the said Act,

(Or, where arbitration is pending),

1. An arbitration under the said Act is pending between the above-
mentioned *A.B.* and of the above-mentioned *C.D. & Co., Limited*, as to
the amount of compensation payable to the said *A.B.* under the said Act
in respect of personal injury caused to him by accident arising out of and
in the course of his employment,

(Or, where weekly payment has been settled),

1. Under an agreement *(or, a decision or award or certificate)* in the
above-mentioned matter recorded in this court on the.....
day of....., a weekly payment is payable to the above-
mentioned *A.B.* by the above-mentioned *C.D. & Co., Limited*, as compen-
sation in respect of personal injury caused to the said *A.B.* by accident
arising out of and in the course of his employment.

2. The weekly payment claimed by *(or, payable to)* the said *A.B.* is
\$.....

3. A question has *(or, questions have)* arisen between the said *A.B.* and
the said *C.D. & Co., Limited*, as to the condition *(or fitness for employment)*
of the said *A.B.*, *(or as to whether (or to what extent) the incapacity*
of the said *A.B.* is due to the accident), *(or as to the condition (or fitness*
for employment) of the said *A.B.*, and as to whether *(or to what extent)*
the incapacity of the said *A.B.* is due to the accident), and no agreement
can be come to between the said *C.D. & Co., Limited*, and the said *A.B.*
with reference to such question *(or questions)*.

4. The said *A.B.* has submitted himself for examination by a medical
practitioner provided by the said *C.D. & Co., Limited*, *(or has been examined*
by a medical practitioner selected by himself), *(or, if so, the said A.B. has*
submitted himself for examination by a medical practitioner provided by

the said *C.D. & Co., Limited*, and has also been examined by a medical practitioner selected by himself), and a copy of the report of the said practitioner is (or copies of the reports of the said practitioners are) annexed to this application.

The applicants request that an order may be made referring the matter to a medical referee for his certificate as to the condition of the said *A.B.*, and his fitness for employment, specifying if necessary the kind of employment for which he is fit (or for his certificate whether (or to what extent) the incapacity of the said *A.B.* is due to the accident), (or for his certificate as to the condition of the said *A.B.* and his fitness for employment, specifying, if necessary, the kind of employment for which he is fit, and as to whether (or to what extent) the incapacity of the said *A.B.* is due to the accident).

Dated this.....day of.....

(Signed).....

Applicant,

(or, *Applicant's Solicitor*).

C.D. & Co., Limited,

By.....

Secretary,

(Or.....

Solicitors for C.D. & Co., Limited).

To the Clerk.

FORM 35.

ORDER OF REFERENCE, SCHEDULE I, PARAGRAPH 12.

In the District Court of.....holden at.....

(Heading as in Application.)

On the application of *A.B.*, of.....and *C.D. & Co., Limited*, of.....(a copy of which is hereto annexed), I hereby appoint Mr.....of.....one of the medical referees appointed by the Attorney General for the purpose of *The Workmen's Compensation Act, 1908*, to examine the said.....(name of workman); and to give his certificate as to the condition of the said.....and his fitness for employment, specifying, if necessary, the kind of employment for which he is fit (or his certificate whether (or to what extent) the incapacity of the said.....is due to the accident), (or his certificate as to the condition of the said.....and his fitness for employment, specifying, if necessary, the kind of employment for which he is fit, and as to whether (or to what extent) the incapacity of the said.....is due to the accident).

Copies of the reports of the medical practitioners by whom the said.....has been examined are hereto annexed.

The said....., who is now at....., has been directed to submit himself for examination by the referee.

I am satisfied that the said.....is in a fit condition to travel for the purpose of being examined, and he has been directed to attend on the referee for examination at such time and place as may be fixed by the referee. (Or, The said.....does not appear to be in a fit condition to travel for the purpose of being examined.)

The referee is requested to forward his certificate to the clerk of the District Court office situate at.....on or before the.....day of.....

Dated this.....day of.....

Clerk.

FORM 36.

ORDER ON INJURED WORKMAN TO SUBMIT HIMSELF FOR EXAMINATION BY
MEDICAL REFEREE.

In the District Court of.....holden at.....

*(Heading as in Application.)*To A.B.....of.....*(address and description).*

Take notice that I have appointed Mr.....one of the medical referees appointed by the Attorney General for the purposes of *The Workmen's Compensation Act, 1908*, to examine you in accordance with the application in the above-mentioned matter for a reference to a medical referee.

You are hereby required to submit yourself for examination by the referee *(add, where workman is in a fit condition to travel, and to attend for that purpose at such time and place as may be fixed by him).*

Dated this.....day of.....

Clerk.

FORM 37.

NOTICE TO PARTIES OF CERTIFICATE OF MEDICAL REFEREE.

In the District Court of.....holden at.....

(Heading as in Application.)

Take notice that I have received the certificate of the medical referee appointed in this matter and that you may inspect the same during office hours at my office at....., and may on request and at your own cost be furnished with or take a copy thereof.

Dated this.....day of.....

To
and

Clerk.

FORM 38.

NOTICE OF APPLICATION FOR SUSPENSION OF RIGHT TO COMPENSATION
OR TO TAKE OR PROSECUTE PROCEEDINGS IN RELATION TO COMPEN-
SATION, OR OF RIGHT TO WEEKLY PAYMENTS, UNDER SCHEDULE I,
PARAGRAPH 4, OR PARAGRAPH 11, OR PARAGRAPH 12, AND RULE 47.*(Not to be printed, but to be used as a Precedent.)*

In the District Court of.....holden at.....

In the matter of *The Workmen's Compensation Act, 1908*.In the matter of a claim for compensation made by A.B., of.....
against C.D. & Co., Limited, of.....*(Or, where the arbitration is pending,*

In the matter of an arbitration between:

A.B., of *(address)*.....Applicant,
(description).....

and

C.D. & Co., Limited, of *(address)*.....Respondents.
(description).....*(Or, where application is made after weekly payments has been settled),*

In the matter of an agreement *(or a decision or an award, or a certificate)* recorded in the above-mentioned court as to the weekly payment payable to A.B., of.....by C.D. & Co., Limited, of.....

Take notice that I intend to apply to the judge at.....
on.....the.....day of.....
at the hour of.....in the.....noon, *(on behalf of Messrs.*

C.D. & Co., Limited, of, etc.,) for an order suspending your right to compensation in the above-mentioned matter and to take or prosecute any proceedings under the above-mentioned Act in relation to compensation (or suspending your right to weekly payments in the above-mentioned matter) on the ground that you refuse to submit yourself to medical examination as required by me (or by the said *C.D. & Co., Limited*,) in accordance with paragraph 4 (or paragraph 11) of the first schedule to the Act (or that you obstruct the medical examination required by me (or by the said *C.D. & Co., Limited*) in accordance with paragraph 4 (or paragraph 11) of the first schedule to the Act), (or on the ground that you refuse to submit yourself for examination by a medical referee as ordered under paragraph 12 of the first schedule to the Act, or that you obstruct the examination by a medical referee ordered under paragraph 12 of the first schedule to the Act), and for consequential directions, and for costs.

Dated this.....day of.....

(Signed) *C.D. & Co., Limited*,

By.....

Secretary,

(Or,.....
Solicitors for C.D. & Co., Limited).

To *A.B.*, of.....

And to Messrs.....(his solicitors).

FORM 39.

PRAECIPE FOR PAYMENT INTO COURT UNDER SCHEDULE I, PARAGRAPH 5.

(Not to be printed, but to be used as a Precedent.)

In the District Court of.....holden at.....

In the matter of *The Workmen's Compensation Act, 1908*,

and

In the matter of an Arbitration between:

A.B., of, etc.....Applicant,

and

C.D. & Co., Limited, of, etc.....Respondents.

Or,

In the matter of an Agreement between:

A.B., of, etc.....

and

C.D. & Co., Limited, of, etc.....

Or,

In the matter of a Certificate given in an action (state court).

Between:

A.B., of, etc.....Plaintiff,

and

C.D. & Co., Limited, of, etc.....Defendants.

(or as the case may be.)

Take notice that *C.D. & Co., Limited*, of.....
or, Messrs....., solicitors for *C.D. & Co., Limited*,
of.....do pay into court (when paid by solicitor,
add at the request and by the authority of the said *C.D. & Co., Limited*),
the sum of (state sum in letters), being the sum awarded (or agreed or directed)
to be paid by the said *C.D. & Co., Limited*, as compensation in the above-
mentioned matter.

Dated this.....day of.....

(Signed), *C.D. & Co., Limited*,

By.....

Secretary,

(Or,.....
Solicitors for C.D. & Co., Limited).

To the Clerk.

Received the above-mentioned sum of.....

(Date.)

Clerk.

FORM 40.

APPLICATION FOR ORDER FOR PAYMENT INTO COURT OF WEEKLY PAYMENT
PAYABLE TO PERSON UNDER DISABILITY.
SCHEDULE I, PARAGRAPH 7.)

(Not to be printed, but to be used as a Precedent.)

In the District Court of holden at

(Heading as in Award, Memorandum or Certificate.)

Take notice that I (*name and address of applicant*) intend to apply to the judge at on the day of at the hour of in the noon, for an order that the weekly payment payable in the above-mentioned matter to a person under legal disability (*or to me*) be during his (*or my*) disability paid into court, and for consequential directions.

Dated this day of

(Signed)

To the Clerk,

And (*to the parties interested*).

FORM 41.

APPLICATION FOR VARIATION OF ORDER UNDER SCHEDULE I, PARAGRAPH 9.

(Not to be printed but to be used as a Precedent.)

(Heading as in Award, Memorandum or Certificate.)

Take notice that I (*name and address of applicant*) intend to apply to the judge at a court to be holden on the day of at the hour of in the noon, for an order that the order of the court (*or the award*) made in the above-mentioned matter on the day as to the apportionment of the sum paid as compensation among the dependants of A.B., deceased (*or as to the manner in which the sum payable to a dependant of A.B., deceased, should be invested, applied or otherwise dealt with*) may be varied by directing (*here state variation claimed by applicant*) and for consequential directions.

And further take notice that the circumstances in which this application is made are:

(state particulars.)

Dated this day of

(Signed)

Applicant,

(Or)

Applicant's Solicitor).

To the Clerk,

And to (*all parties interested*).

FORM 42.

APPLICATION BY WORKMAN INTENDING TO CEASE TO RESIDE IN THE
PROVINCE FOR REFERENCE TO MEDICAL REFEREE UNDER SCHEDULE I,
PARAGRAPH 15.

(Not to be printed, but to be used as a Precedent.)

In the District Court of holden at

In the matter of *The Workmen's Compensation Act, 1908,*
and

In the matter of an agreement (*or a decision or award or certificate*) recorded in the above-mentioned court as to the weekly payment payable to A.B., of by C.D. & Co., Limited, of

Take notice that A.B., of to whom under an agreement (*or a decision or an award or a certificate*) in the above-

mentioned matter recorded in this court on the..... day of....., a weekly payment of..... is payable by the above-mentioned *C.D. & Co., Limited*, as compensation for personal injury caused to the said *A.B.*, by accident arising out of and in the course of his employment, intends to cease to reside in the province; And that the said *A.B.* intends to apply to the clerk at..... on..... the..... day of..... at the hour of..... in the..... noon, for an order referring to a medical referee the question whether the incapacity of the said *A.B.*, resulting from the injury is likely to be of a permanent nature.

Dated this..... day of.....
(Signed).....
Applicant,
(Or.....
Applicant's Solicitor).

To the Clerk of the Court,
And to (the employer.)

FORM 43.

ORDER OF REFERENCE.
SCHEDULE I, PARAGRAPH 15.)

In the District Court of..... holden at.....

On the application of..... of.....
(a copy of which is hereto annexed), I hereby appoint Mr..... of....., one of the medical referees appointed by the Attorney General for the purposes of *The Workmen's Compensation Act*, 1908, to examine the said (name of workman), and to give his certificate as to whether the incapacity of the said (name of workman) resulting from the injury is likely to be of a permanent nature.

The said....., who is now at..... has been directed to submit himself for examination by the referee.

I am satisfied that the said..... is in a fit condition to travel for the purpose of being examined, and he has been directed to attend on the referee for examination at such time and place as may be fixed by the referee.

(Or, The said..... does not appear to be in a fit condition to travel for the purpose of being examined.)

The referee is requested to forward his certificate to the clerk at the District Court office situate at..... on or before the..... day of....., specifying therein the nature of the incapacity of the said....., and whether the same is total or partial.

Dated this..... day of.....
Judge (or Clerk).

FORM 44.

(To be printed on thick blue foolscap.)

CERTIFICATE OF IDENTITY.

(To be carefully preserved.)

NOTICE.—This certificate is no security whatever for a debt.

No. of Certificate.....
In the District Court of..... holden at.....

(Heading as in Award, Memorandum or Certificate.)

This is to certify that *A.B.*, late of (address and description), is entitled to a weekly payment of \$..... from (name and address of employer) as compensation payable to the said *A.B.* in respect of personal injury caused to him by accident arising out of and in the course of his employment, such weekly payment to continue during the total or partial incapacity of the said *A.B.* for work;

And that the description of the said A.B. and his incapacity for work, as certified by the medical referee appointed in this matter, are as follows:

Age....., Height.....
 Hair....., Eyes....., Nature of incapacity.....

(Describe nature of incapacity, and whether the same is total or partial, as in certificate of medical referee.)

Dated this.....day of.....
 Clerk.

FORM 45.

NOTICE TO BE GIVEN TO WORKMAN INTENDING TO CEASE TO RESIDE IN THE PROVINCE.

(Heading as in Award, Memorandum or Certificate.)

Take notice that if you desire to obtain payment of the weekly payments payable to you under the award (memorandum or certificate) hereto annexed while you are residing out of the province, you must, at intervals of three months from the date up to which such payments have been made, submit yourself for examination by a medical practitioner in the place where you are residing, and produce to him the copy of the certificate of the medical referee and the certificate of identity hereto annexed, and you must obtain from such medical practitioner a certificate in the form hereto annexed that he has examined you and that your incapacity resulting from the injury specified in the certificate of the medical referee continues; and such certificate must be verified by the medical practitioner by declaration in your presence before some such person as hereinafter mentioned.

You must also attend before some such person as hereinafter mentioned, and make a declaration in the form hereto annexed that you are the same person as mentioned in the copy of the certificate of the medical referee and in the certificate of identity hereto annexed, and in the certificate of the medical practitioner by whom you have been examined, producing to such person the copy and certificates above mentioned.

You must then transmit to me, at my office, situate at..... the certificate of the medical practitioner by whom you have been examined, and your declaration, together with a request for transmission to you of the amount of the weekly payment due to you, specifying the place where and the manner in which the amount is to be transmitted according to the form hereto annexed, which request must be signed in your own handwriting.

The persons before whom a certificate may be verified or a declaration made are:

1. Any person having authority to administer an oath in the place in which you reside.

2. Any British ambassador, envoy, minister, charge d'affaires, or secretary of embassy or legation, exercising his functions in any foreign place in which you reside, or any British consul-general, consul, vice-consul, acting consul, pro-consul, or consular agent exercising his functions in any foreign place in which you reside.

Dated this.....day of.....
 Clerk.

To A.B., of (address and description).

FORM 46.

FORM OF MEDICAL CERTIFICATE TO BE OBTAINED BY WORKMAN RESIDING OUT OF THE PROVINCE.

(Heading as in Award, Memorandum or Certificate.)

I (name, address and medical qualification of medical practitioner), hereby certify that I have this day examined A.B., of..... whom I conscientiously believe to be the same person as A.B., of..... described in the copy of certificate of the medical referee

in the above-mentioned matter, dated the.....day of
and in the certificate of identity dated the.....
day of.....produced to me by the said A.B.;
 and that in my opinion the incapacity of the said A.B., resulting from the
 injury described in the said certificate of the medical referee still continues.

Dated this.....day of.....

(Signature).....

Declared at.....this.....
 day of.....in the presence of the said A.B., the copy
 of the certificate of the medical referee and the certificate of identity above
 mentioned being at the same time produced.

Before me—

(Signature and description of person before whom the declaration
 is made.)

FORM 47.

DECLARATION OF IDENTITY BY WORKMAN RESIDING OUT OF THE PROVINCE.

(Heading as in Award, Memorandum or Certificate.)

I, A.B., of....., hereby declare that I am the
 same person as A.B., of.....described in the copy
 of the certificate of the medical referee in the above-mentioned matter,
 dated the.....day of.....now
 produced by me, and in the certificate of identity, dated the.....
 day of....., now produced by me, and the same person
 as A.B., of.....described in the certificate of
declared by the said.....
 in my presence on the.....day of.....
 and now produced by me.

(Signed).....

A.B.

Declared at.....this.....
 day of....., the certificates above mentioned being at
 the same time produced.

Before me—

(Signature and description of person before whom the declaration
 is made.)

FORM 48.

REQUEST FOR TRANSMISSION OF AMOUNT OF WEEKLY PAYMENTS BY WORK- MAN RESIDING OUT OF PROVINCE.

(Heading as in Award, Memorandum or Certificate.)

Sir,—

I herewith enclose medical certificate and affidavit of identity, and request
 that the amount of the weekly payments due to me in the above-mentioned
 matter may be transmitted to me at (give full address).

(State how transmission to be made, as) —

By Post Office order payable at (name of post office).

Or, By bankers' draft on the (name and address of bank).

I am, Sir,

Your obedient servant,

A.B.

(To be signed by the workman in his own handwriting.)

To the Clerk of the District Court of.....holden at.....
 (add address of clerk's office.)

FORM 49.

NOTICE BY CLERK TO EMPLOYER OF RECEIPT OF MEDICAL CERTIFICATE
AND DECLARATION OF IDENTITY.*(Heading as in Award, Memorandum or Certificate.)*

Take notice that I have received proof of identity and of continuance of incapacity in the above mentioned matter.

And I have to request you to transmit the sum of
being the amount of the weekly payments payable to A.B. under the above
mentioned award (memorandum or certificate) from *(the date to which they
were last paid)* to *(13 weeks from that date)* to me, to be by me remitted to
the said A.B.

Dated this.....day of.....

Clerk.

To *(name and address of employer)*.

FORM 50.

NOTICE OF APPLICATION FOR DETERMINATION OF AMOUNT OF COSTS UNDER
SCHEDULE II, PARAGRAPH 12.*(Not to be printed, but to be used as a Precedent.)*

In the District Court of.....holden at.....

(Heading as in Award or Memorandum.)

Take notice that I intend to apply to the judge at.....
on.....the.....day of.....
at the hour of.....o'clock in the.....noon, to determine
the amount of costs to be paid to me as solicitor *(or, agent)* for you A.B.
in the above mentioned matter; and for an order declaring that I am
entitled to a lien for such amount on or to deduct such amount from the
sum awarded as compensation to you the said A.B., in the above mentioned
matter, and for consequential directions.

Dated this.....day of.....

Applicant.

To the Clerk of the Court,
And to A.B., of.....

FORM 51.

EXECUTION ON AWARD OF MEMORANDUM OR CERTIFICATE.

In the District Court of.....holden at.....

(Heading as in Award, Memorandum or Certificate.)

Whereas on the.....day of.....an
award was made in the above mentioned matter by the judge whereby it
was ordered *(state operative parts of award)*:

*(Or, Whereas on the.....day of.....
a memorandum was recorded in this court of an agreement (or a decision
or an award) come to (or given or made) in the above mentioned matter,
whereby it was agreed (or ordered), (state operative parts of agreement, decision
or award):*

*(Or, Whereas on the.....day of.....
a memorandum was recorded in this court of a certificate given by the District
Court of.....holden at.....to the
effect that (state operative parts of certificate):*

And whereas default has been made in payment of the sum of \$.....
payable by the said.....into court. *(or, to the said
A.B.) according to the said award (or memorandum or certificate);*

These are therefore to require and order you forthwith to make and levy by distress and sale of the goods and chattels of.....
(*name the party against whose goods execution is issued*), wheresoever they may be found within the district of this court (except the articles declared by law to be free from seizure under writs of execution), the sum stated at the foot of this warrant, being the amount due under the said award (or memorandum or certificate), together with the costs of this execution; and also to seize and take any money or bank notes, and any cheques, bills of exchange, promissory notes, bonds, specialties or securities for money of the said.....which may there be found, or such part or so much thereof as may be sufficient to satisfy this execution, and the costs of making and executing the same, and to pay what you shall have so levied to the clerk of this court, and to make return of what you have done under this warrant immediately upon the execution thereof.

Given under the seal of the court this.....day of.....
19.....

By the Court,

.....
Clerk.

To the Sheriff of the Judicial District of.....
Amount in payment whereof default has been made.....\$.
Poundage for issuing this warrant.....\$.
Total amount to be levied (*with fees for execution of warrant, as
endorsed hereon*).....\$.

FORM 52.

REGISTER.

The Workmen's Compensation Act, 1908.

Register.

No. of Matter	Title	Date of Proceedings	Nature
1.	In the matter of arbitration between A.B. of, etc., Applicant, and C.D. & Co., Limited, of, etc., Respondents.	July 11, 1909 July 29, 1909 July 29, 1909 Aug. 5, 1909 Aug. 8, 1909 Aug. 15, 1909 Aug. 19, 1909 Aug. 23, 1909 Sept. 5, 1909 Oct. 16, 1909 Oct. 23, 1909 Nov. 5, 1909 Nov. 11, 1909	Request for arbitration filed, and copy sent to judge. Day for arbitration fixed. Notice of day fixed sent to applicant, and notice with copy request sent to respondents by registered post. Respondents' answer filed; copies sent to arbitrator and applicant. Application by applicant for discovery; order made. Respondents' affidavit filed. Five subpoenas issued on application of applicant's solicitor. Arbitration held; Mr. - appointed as medical referee to report; further hearing adjourned. Report of medical referee received and notice given to the parties. Further hearing. Award made as follows (enter minute of award.) Costs of applicant taxed at \$. \$. for costs paid into court by respondents. \$. for costs paid to applicant's solicitor.
2.	In the matter of an agreement between A.B. of and E.F. & Co., Limited, of, etc.	Oct. 7, 1909 Oct. 8, 1909 Oct. 10, 1909 Oct. 10, 1909 Oct. 15, 1909 Oct. 22, 1909 Oct. 24, 1909 Oct. 31, 1909 Nov. 18, 1909	Memorandum of agreement as to compensation signed by solicitor of A.B. left to be recorded. Notice and copy memorandum sent by post to E.F. & Co., Limited. Notice received from E.F. & Co., Limited disputing memorandum. Notice sent to A.B.'s solicitor that memorandum is disputed, and will not be recorded without consent in writing of E.F. & Co., Limited, or order of Judge. Application on behalf of A.B. that memorandum be recorded. Application heard, and order made that memorandum be recorded with alterations. Memorandum recorded as follows (set out memorandum.) Costs of A.B. taxed and allowed at \$. . . . Execution issued for costs. etc., etc., etc.

1908

CHAPTER 13.

An Act to Grant Certain Powers to the Minister of Education.

(Assented to March 5, 1908.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Minister of Education shall have power to enter into any contract with any person or corporation that may be necessary or advisable in carrying out the provisions of any Act of the Legislative Assembly or Ordinance of the North-West Territories, and, with the approval of the Lieutenant Governor in Council, to provide by contract or otherwise for the printing and publishing, or for the supplying or furnishing, of all text and reference books for the use of the pupils and teachers in the schools and institutes in the province which are under the control and management of the Department of Education of the province, as well as for the supplying and furnishing of all such maps, globes, charts and other apparatus or equipment as may be required for giving proper instruction in such schools or institutes.

Power to
purchase books

2. The said Minister shall have power to purchase books for school library purposes and school supplies, and to sell the same to school districts or teachers or supply the same to school libraries as provided in *The School Grants Act*. 1914, c. 14, §. 1.

Advance
from the
Treasury

3. The Provincial Treasurer may, from time to time, upon the requisition of the said Minister, advance out of the general revenue fund such sums of money as may be required to pay for such books and school supplies, or for the payment of premiums upon the bonds of treasurers of school districts, provided that the net amount of such advances shall not at any time exceed the sum of \$30,000. 1914, c. 14.

Receipts to
be credited
to advance

4. Moneys received from time to time from the sale of any such books or supplies shall be paid to the Provincial Treasurer and credited in reduction of such advance, and the Provincial Treasurer shall further credit from time to time in reduction of said advance the amount of any school grants earned by school districts which have been paid by the delivery of books for library purposes in lieu of cash, as provided by *The School Grants Act*, and shall also credit from time to time the amount of any deductions which have been made in the payment of grants to school districts by reason of premiums upon treasurers' bonds having been paid as provided in section 98 of *The School Ordinance*. 1914, c. 14.

5. In computing the value of any book or article supplied or sold the Minister may take into account the cost of handling, storage, transportation, insurance, distribution and other costs, charges or expenses, *including office assistance*, that may be incurred from time to time in connection therewith. 1914, c. 14.

Expenses to
be added
to cost

6. The Provincial Treasurer shall publish annually with the Public Accounts a statement showing the standing, at the close of the last fiscal year, of the account of such advances taking cognizance of all supplies on hand at the beginning of the fiscal year, the names of all firms to whom payment has been made for such supplies with the gross amounts of payments so made, the gross amount charged to each particular account and credited in reimbursement of the advances made with the value of the supplies on hand at the close of the fiscal year, any profit or loss that may be found to result from the year's operations being shown clearly, but neglected in consideration of the following year's transactions. 1914, c. 14.

Publication
of annual
statement

7. The said Minister shall have power to act on behalf of any school district in the sale of any debenture issued by such district.

Sale of
debentures

8. For the purposes of this Act, the said Minister shall have power to open in a chartered bank a trust account to be known as "The School Boards Trust Account," which shall be audited by the Provincial Auditor. 1914, c. 14.

Trust
account

9. The proceeds of all school district debentures disposed of by the Minister in behalf of school districts shall be deposited in the School Boards Trust Account and shall be paid to the school districts to which they belong after there have been deducted therefrom any reasonable or necessary expenses connected with the sale of such debentures, including the clerical assistance required in connection therewith, which the Minister is hereby authorized to disburse. 1914, c. 14.

Proceeds
of sale

10. The Lieutenant Governor in Council may, from time to time, make such regulations as may be required for the proper carrying out of the provisions of this Act. 1914, c. 14.

Regulations

1908

CHAPTER 14.

An Act respecting Government Telephone and Telegraph Systems.

(Assented to March 5, 1908.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Government
may construct
and operate
telephone and
telegraph
systems

1. The Government of Alberta shall have power to purchase, lease, construct, extend, maintain and operate in the province a telephone or telegraph system or systems, and for such purpose the Government shall have power to enter into any agreement with any person, company or municipality, providing for connection, intercommunication, joint operation, reciprocal use or transmission of business as between any telephone or telegraph system owned or operated by the respective parties, and for such consequent division of receipts, expenditures or profits or such payment of compensation or such other financial or other adjustments between the respective parties as may be necessary or advisable for the purposes of the said agreement.

Powers of
minister

2. For the purposes mentioned in this Act and in exercise of any power conferred upon him the Minister of Railways and Telephones by his surveyors, engineers, agents, workmen or servants may at any and all times enter upon and take, use or acquire any lands or property in whomsoever vested and shall have full power and authority through such officers, agents and servants to do all acts and things on or in relation to any such land or property which he deems necessary, advisable or expedient in order to carry out any authority or power conferred upon him by this Act:

Provided that the Minister shall, whenever required so to do, make reasonable compensation to the owner or owners or persons interested in any land or property, which he may enter upon, take, use or acquire as provided by this section and for all damages sustained by such owner or owners or persons in or by the execution of all or any of the powers conferred upon the said Minister; and in case the amount of the said compensation cannot be mutually agreed upon by the Minister and the said owner or owners or persons interested the same shall be determined in the manner provided by *The Arbitration Act*, being chapter 6 of the Statutes of Alberta, 1909, or any Act passed in amendment or substitution thereof. 1911-12, c. 4, s. 30.

Issue of
debentures
for money
borrowed by
Government

3. The said Government shall have power from time to time to issue debentures of the Province of Alberta, in sums not exceeding one thousand dollars each, drawing interest at a rate not

exceeding four per cent. per annum, and payable at any time not exceeding forty years from date, for the purpose of raising funds required for the purposes of this Act, and such debentures may be made payable at any place in the Dominion of Canada or in the United Kingdom of Great Britain and Ireland, or in the United States of America, and either in sterling money or Canadian currency, and they shall have coupons attached for the payment of the interest half-yearly or yearly, and such debentures shall be sealed with the great seal of the Province of Alberta, and shall also be signed by the Provincial Treasurer but his signature on the coupons may be lithographed.

(2) Any moneys expended, or which may have heretofore been expended, by the Government of Alberta upon or in connection with the construction, maintenance and operation in the province of a telephone system or systems out of general revenue previous to the disposal of the debentures or any of them issued pursuant to the provisions hereof, shall upon such disposal be refunded to the general revenue account of the province from and out of the proceeds of the sale or other disposal of such debentures or any of them.

4. The said Government shall have power from time to time to make such provisions and regulations as may be deemed by it advisable or necessary respecting the keeping of accounts, the application of funds and other matters of financial detail involved in the carrying out of the purposes of this Act.

Provisions may be made as to keeping accounts and regulating financial matters

5. In this Act the words "the Government of Alberta" or "the said Government" shall mean "His Majesty in the right of the Province of Alberta," and the powers hereby conferred upon the said Government shall be from time to time exercised by the Lieutenant Governor in Council, by order in council, and may from time to time be delegated by order in council, in whole or in part and subject to such limitations, restrictions or regulations as such order or orders, or any subsequent order or orders in council may provide to the Minister of Public Works.

Meaning of expression "the Government of Alberta"

6. All contracts and agreements heretofore entered into by the Minister of Public Works or by the said Minister as representing His Majesty in the right of the Province of Alberta for such connection, intercommunication, joint operation, reciprocal use or transmission of business as between the telephone system owned or operated by the Government of Alberta and the telephone system owned or operated by any other party or parties, company or companies, municipality or municipalities, are hereby declared to be valid.

Contracts heretofore made by the Minister of Public Works ratified

1908

CHAPTER 15.

An Act respecting Gaols and Prisons.

(Assented to March 5, 1908.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Government
may establish
gaols

1. The Government of the Province of Alberta may establish and maintain one or more gaols throughout the province, at such places as may be designated by the Lieutenant Governor in Council:

Gaols to be
under the
supervision of
sheriffs

2. The gaolers, turnkeys and all other officers of the said gaol shall from time to time be appointed by the Lieutenant Governor in Council when and so often as may be required or necessary. All officers so appointed shall hold office during pleasure and shall be paid such salaries as may be fixed by the Lieutenant Governor in Council.

Lieutenant
Governor in
Council may
make rules for
management
of gaols

3. The Lieutenant Governor in Council may make rules and regulations for the management, internal economy, proper security, due ordering and government of said common gaols, for the conduct and duties of the gaolers and other officers, the enforcement of order and discipline among the prisoners confined therein, and with regard to all other matters and things necessary for the maintenance, order and good government of such gaols; and all such rules heretofore or hereafter made as aforesaid shall have the force and effect of law, in the same manner and to the same extent as if the same had been duly enacted by the Legislature of this province.

Prisoners may
be confined in
gaols unless
otherwise
ordered

4. Any person arrested or committed to prison for any crime or offence under any Statute or law in force in this province, whose imprisonment may be ordered by competent authority, may be imprisoned in any of the common gaols aforesaid, unless a special one be prescribed by law, in which case the imprisonment shall be in that one which is in the proper district or is the authorized place of imprisonment.

Lieutenant
Governor in
Council may
provide for
medical
attendance
of prisoners
confined in
guardrooms of
Royal North-
West Mounted
Police

5. The Lieutenant Governor in Council may make such provision or arrangement as may be found necessary or expedient for the care, maintenance of or medical or other necessary attendance upon any or all persons confined in any gaol, guardroom of the Royal North-West Mounted Police or other place of confinement in the province to which persons who are arrested, committed or imprisoned under any Statute or law in force in the province

may be confined; and any expenses incurred in this regard shall be paid out of the moneys voted by the Legislative Assembly for this purpose.

6. The Provincial Secretary may, at his discretion, provide any prisoner discharged from any of the gaols of the province with transportation to his home, or the home of his parents, or with a suitable outfit of clothes, and may authorize the purchase of books for a library for any said gaols and the purchase of materials and equipment for the conduct of classes for the instruction of prisoners, or the establishment of a prison farm in connection with any such gaol, all of which may be paid out of any funds to be voted by the Legislature for this purpose. 1911-12, c. 4, s. 31. Power to provide transportation, etc.

EMPLOYING PERSONS WITHOUT THE WALLS OF GAOLS.

7. The Lieutenant Governor in Council may direct or authorize the employment beyond the limits of the common gaol upon any work or duty, the nature of which is specified in the order in council, of any person who is sentenced to be imprisoned with hard labour in such gaol under the authority of any Statute of Alberta, or for the breach of a by-law of any city, town, village or municipality. 1913 (1st Session), c. 9, s. 19.

8. Every such prisoner shall, during such employment, be subject to the rules, regulations and discipline of the gaol, and to any regulations made by the Lieutenant Governor in Council under *The Prisons and Reformatories Act of Canada* or any Act thereby consolidated, for preventing escapes and preserving discipline. 1913 (1st Session), c. 9, s. 19.

9. No such person shall be so employed, except under the strictest care and supervision of officers appointed to that duty. 1913 (1st Session), c. 9, s. 19.

10. Every street, highway or public thoroughfare on which prisoners may pass in going to or returning from their work, and every place where they may be employed under this Act, shall, while so used, be deemed to be a part of the gaol for the purposes of this Act. 1913 (1st Session), c. 9, s. 19.

11. An account shall be kept of the amount earned by the labour of such prisoners imprisoned in any common gaol, and such amount shall be dealt with as directed by the Lieutenant Governor in Council. 1913 (1st Session), c. 9, s. 19.

PROHIBITION OF INTOXICATING LIQUORS.

12. No gaoler, keeper or other officer of any gaol or lock-up shall sell, lend, use, or give away, or knowingly permit or suffer any intoxicating liquors within the meaning of *The Liquor License Ordinance*, to be sold, used, lent, or given away to any prisoner, or to be brought into any gaol other than as may be prescribed by or given by the direction of a legally qualified medical practitioner. 1913 (1st Session), c. 9, s. 19.

(2) No person shall give, convey or supply to any prisoner confined in any gaol, any intoxicating liquor within the meaning of *The Liquor License Ordinance*, otherwise than authorized by this Act. 1913 (1st Session), c. 9, s. 19.

(3) Every person who contravenes this section shall, on summary conviction, be liable to a penalty of \$100.00, and in default of payment thereof to imprisonment for three months. 1913 (1st Session), c. 9, s. 19.

(4) For a second offence of the like nature by such gaoler, keeper, or other officer, he shall also forfeit his office. 1913 (1st Session), c. 9, s. 19.

1908

CHAPTER 16.

An Act respecting Mechanics and Literary Institutes.

(Assented to March 5, 1908.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Mechanics and Literary Institutes Act*." Short title

ORGANIZATION AND OBJECTS OF INSTITUTES.

2. A mechanics and literary institute shall be held to have been organized under the provisions of this Act whenever thirty persons resident in any city, town or village incorporated or otherwise or in any township or two townships contiguous in either of which there is not already organized an institute under this Act have signed a declaration setting out the amounts subscribed by each and naming the place where the institute purposes to carry on its objects and forwarded the same to the Provincial Secretary, with an accompanying certificate signed by one of the subscribers and verified before any person authorized to administer oaths or affidavits to be used in any court of the province, such declaration and certificate to be in form A of the schedule hereto. Mode of organization

3. Upon the Lieutenant Governor in Council approving the organization of the proposed institute, the party making the certificate accompanying the same, or in his absence anyone appointed by the Provincial Secretary, shall call a meeting for the election of the various officers by public notice specifying the time and place of meeting published for two weeks in the nearest newspaper, or posted in five conspicuous public places in the city, town, village or township as the case may be, at least fifteen days before the time fixed for holding such meeting. Such meeting shall be held in the city, town, village or township, or one of the townships where the institute intends prosecuting the objects for which the same has been organized. Election of officers

(2) The officers to be elected at such meeting shall be a president, vice-president, secretary-treasurer, auditor, and not less than five directors and the persons entitled to vote at such meeting shall be members.

4. Any person may become a member of a mechanics' and literary institute organized under this Act by paying to the treasurer thereof yearly the sum of \$1 which shall be held to be due on the first day of each calendar year. Annual subscription

Purposes

5. The objects of institutes organized under this Act shall be to encourage mechanics, manufacturers and arts generally—

- (a) By having evening classes organized for the imparting of practical instruction to its pupils;
- (b) By establishing a library of books on one or more of the following subjects, viz.: Mechanics, manufactures, agriculture, horticulture, philosophy, science, the fine and decorative arts, history, travels, poetry, biography and fiction;
- (c) Establishing a reading room.

Annual meeting

6. The annual meeting of every institute shall be held in the month of October in each year on the call of the president, who shall give eight days' notice thereof by circular addressed and posted prepaid to each member of the institute, or by public notice published in the nearest newspaper, or by posting it in five conspicuous places, as provided in section 3 hereof, when there shall be elected a president, vice-president, a secretary-treasurer, and not less than five directors and an auditor.

(2) If the president refuses or omits to call such meeting as herein provided the same may be called by the vice-president or any three members for any time during the month of November.

Voting, etc.

7. No person shall vote or take part in any annual or other meeting of any institute who has not at the time of such meeting paid up all subscriptions due by him to the said institute.

Meeting of officers, how called

8. A meeting of the officers shall be called by written notice delivered or mailed to each officer given by authority of the president, or in his absence the vice-president, or at the request of any three officers, at least five days before the day appointed, and at any such meeting four shall be a quorum.

Annual report

9. The officers of an institute shall present at the annual meeting a report of their proceedings during the year in which shall be stated—

- (a) The names of the members of the institute;
- (b) The amount paid by each set opposite his name;
- (c) The classes organized;
- (d) A list of books purchased;
- (e) A list of newspapers and periodicals on file; together with—
- (f) Such remarks on the progress of the organization and use to which it has been put as the directors are enabled to offer.

Financial statement to be audited

10. There shall also be presented at the annual meeting a detailed statement of the receipts and disbursements of the institute during the year, which said statement shall be audited by the auditor in that behalf before being submitted to the said meeting.

Certified copy of annual report to be sent to Provincial Secretary

11. The said report and statement, if approved by the meeting, shall be entered in the journals of the institute kept for such purpose, and signed by the president or vice-president as being a correct entry and a true copy thereof, certified by the president

and secretary for the time being shall be forwarded to the Provincial Secretary within one month from the date of such meeting.

12. The officers shall give such information as in their power lies that the Provincial Secretary may from time to time require touching the interest and condition of the objects of the organization in their locality. ^{Officers to give information}

13. The funds of the institute however derived may be expended for any object not inconsistent with those authorized by this Act; provided that not more than one-quarter of the amount received shall be expended for the purpose of a reading room. ^{Application of funds}

14. Each institute formed under this Act shall be a corporation with a corporate seal under the name of "The Mechanics and Literary Institute of....." (inserting the distinguishing name of the institute) and shall have power to acquire, hold, sell, mortgage, lease or otherwise dispose of or encumber real estate and other properties, real and personal. ^{Institute to be a corporation}

SCHEDULE.

FORM A.

We, the undersigned, respectively residing in the city (town, village, township or townships, and if the latter, give the range) of..... in the Province of Alberta agree to form ourselves into an institute under the provisions of *The Mechanics and Literary Institutes Act*, under the name of "The Mechanics and Literary Institute of....." and we respectively promise to pay to the treasurer of the said institute annually, as long as we continue members thereof, the sums set opposite our respective names, and to conform ourselves to the by-laws and regulations of the said institute, and we hereby state that we purpose carrying on the objects of our organization at the city (town or village) of..... (or on the.....quarter of Section.....Township.....Range.....West.....Meridian.)

	Name	Subscription
1	A.B.	\$
2	C.D.	
3	E.F.	

I,....., of..... one of the subscribers to the above declaration hereby certify that the sum of at least one dollar has been paid by each of the above subscribers as his first annual subscription to the proposed Mechanics and Literary Institute, of.....; and that I hold on behalf of the said proposed institute the several amounts so paid.

.....
(Subscriber's signature.)

I, the above named....., do solemnly declare that the facts set forth by me in the foregoing certificate signed by me are true; and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of *The Canada Evidence Act*.

Declared before me at..... }
this.....day of..... } (Subscriber's signature.)
19..... }

.....
(Signature of officer receiving declaration.)

1908

CHAPTER 17.

An Act to Amend the Coal Mines Act for the Purpose of Limiting Hours of Work Below Ground.

(*Repealed*—1913 (1st Session), c. 4, s. 139).

1908

CHAPTER 18.

An Act respecting Drainage.

(Assented to March 5, 1908.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Alberta Drainage Act.*" Short title

INTERPRETATION.

2. In this Act, unless the context otherwise requires— Interpretation

1. The expression "department" means the Department of Public Works for the Province of Alberta; Department

2. The expression "Minister" means the Minister of Public Works for the Province of Alberta; Minister

3. The expression "engineer" means an engineer or land surveyor employed from time to time to perform any of the duties necessary for the carrying out of the provisions of this Act; Engineer

4. The expression "land" means and includes lands, tenements and hereditaments and any estate or interest therein; Land

5. The expression "road" means and includes any public trail, road or highway including any road allowance laid out under the provisions of *The Dominion Lands Act*; Road

6. The expression "reports" includes all maps, plans, estimates of costs of any work, and assessments undertaken under this Act; Reports

7. The expression "owner" includes any person who by any right, title or estate whatsoever is or is entitled to be in possession of any land and the executor or administrator of an owner, the guardian of an infant owner, any person entitled to sell or convey the land, an agent of an owner under a general power of attorney or under a power of attorney empowering him to deal with the land, and as regards roads, the Minister of Public Works; Owner

8. The expression "judge" means a judge of the District Court of the district in which any ditch or proposed ditch under the provisions of this Act is or is proposed to be situated; Judge

9. The expression "clerk" means a clerk of the District Court of the district in which any ditch or proposed ditch under the provisions of this Act is or is proposed to be situated; Clerk

10. The expression "sufficient outlet" shall mean the safe discharge of water at a point where it will do no injury to lands or roads; Sufficient outlet

11. The expression "ditch" means and includes a drain open or covered wholly or in part and whether in the channel of a

natural stream, creek, or watercourse or not, and also the work and material necessary for bridges, culvert catchbasins and guards or any works necessary in connection therewith;

Government
ditch

12. The expression "government ditch" means any ditch constructed under the authority of the Minister, whether any portion or all of the expense of the construction and maintenance thereof is borne by the Province of Alberta or not.

CONSTRUCTION OF GOVERNMENT DITCHES.

Construction
of Government
ditches

3. Whenever the Minister deems the construction of any ditch in the province necessary he may have an examination and survey made by an engineer with the view of determining the feasibility and cost of construction of such ditch.

Engineer to
make a report

4. The engineer employed to make the examination shall as soon as possible submit a report to the Minister on the proposed ditch, showing by reference to a map or plan or otherwise the location thereof; which report shall include an assessment showing the proportion of the cost of the proposed undertaking assessed against every public road and parcel of land to be benefited and shall be filed in the department.

Assessment
based on
increased value

5. The assessment of any parcel of land shall be based upon the increased value of such land by reason of the construction of the ditch and the assessment of any road shall be based upon the cost either of making such road as efficient for a highway as it will be made by the construction of the proposed ditch or of providing some alternative road and making it as efficient for a highway as the benefited road will be made by the construction of the proposed ditch.

Notice of
construction of
ditch to be
published

6. In the event of the Minister determining after the receipt of the said report that the proposed ditch should be constructed such construction may be proceeded with forthwith; and the Minister shall cause a notice to be inserted in two consecutive weekly issues in at least one newspaper, published or circulating in the vicinity of such proposed ditch, of the determination to proceed with the construction thereof, and of the place or places where a copy of the engineer's report may be inspected, one of which shall be at some convenient place in the vicinity of such proposed ditch.

Appeal from
assessment

7. At any time within twenty days after the publication of the notice provided for in the next preceding section, any person affected by the assessment made by the engineer's report may file with the clerk of the court a notice of appeal from such assessment or any portion thereof, which notice shall specify the ground of appeal and shall be in duplicate.

(2) The notice of appeal shall contain the post office address of the appellant and shall be accompanied by the sum of ten dollars, the disposition of which shall be determined by the judge after hearing the appeal.

(3) One duplicate of each notice of appeal shall be forwarded by the clerk to the Minister at Edmonton by registered mail as soon as the time for filing notices of appeal has expired.

8. The clerk shall thereupon submit notices of appeal so filed ^{Judge to fix a time and place for hearing} with him to the judge, who shall fix a time and place for hearing the appeals of which notice has been so given.

9. At least fifteen days' notice of the time and place so fixed ^{Notice to be given} shall be given by the clerk by registered letter to the Minister and to the appellant.

10. At the time and place so fixed the judge shall proceed ^{Hearing appeals} to adjudicate upon the said appeals or any of them after hearing such evidence as may be adduced and for such purpose shall be a court of record and shall have all the powers vested in a court of record in civil cases.

11. The judge may adjourn the proceedings from time to time ^{Adjournment} and from place to place as he shall think fit.

12. As soon as may be the judge shall render his decision ^{Decision of judge} and shall confirm or alter the assessment in accordance therewith.

13. The decision of the judge upon such appeal or appeals ^{Decision final} shall be final.

14. The costs of appeals shall be paid and apportioned between ^{Costs of appeals How apportioned} the parties thereto in such manner as the judge may think fit, and in the event of the ten dollars deposited by any party ordered to pay costs not proving sufficient to pay the costs he is ordered to pay the deficiency shall be added to and form part of the amount of the assessment against the party ordered to pay such costs.

15. The only costs allowable under the next preceding section ^{What costs allowable} shall be witness fees according to the tariff in force in the District Courts and court fees according to the tariff in schedule A to this Act.

16. The Minister may make such arrangements as he may think fit for the construction of any government ditch either ^{Construction of Government ditch} by contract or by day labour and for the payment therefor; and for the purposes of such construction and all examinations and other works preliminary or subsequent thereto may by himself, his engineers, agents and servants together with teams, tools, machinery or appliances enter upon any and all lands in whomsoever they are vested.

17. The ditch may be made or built across or through the ^{Location of ditch} lands of any person on the located line of the ditch as shown by the engineer's report.

18. Every person who interrupts, hinders or molests any ^{Penalty for obstruction of work} person while engaged under the authority of the Minister in making any examination for, or in constructing, maintaining or repairing any government ditch or the works connected therewith shall be guilty of an offence and upon summary conviction thereof liable to a penalty not exceeding \$50.00.

**Capacity
of outlet**

19. Every ditch or drain constructed under the provisions of this Act shall be continued to a sufficient outlet.

**Apportionment
of costs of
construction**

20. As soon as conveniently may be after the completion of the construction of any government ditch the Minister shall ascertain the total cost thereof which shall include the cost of purchasing or expropriating the right-of-way for the ditch through lands which receive no benefit therefrom and shall apportion such costs amongst the lands and roads benefited in the proportions fixed by the assessment mentioned in section 4 hereof as finally confirmed.

Compensation

(2) Any person through or near whose lands the ditch passes and who receives no benefit therefrom and who is deprived of his water supply for domestic purposes by reason of the construction of the ditch may apply for compensation therefor in the same way as he would be entitled to do if his lands were taken for any public work, and any amount paid to such person shall be included in the total costs of the ditch and assessed against the property benefited as hereinbefore provided.

**Completion of
construction**

21. Upon the completion of the construction of any ditch the Minister shall cause an examination thereof to be made by an engineer, who shall file in the department a certificate showing the date of the completion of such ditch.

(2) In the event of a portion only of a ditch being constructed the Minister may cause an examination of such portion to be made by an engineer, who shall file in the department a certificate showing the date of the completion of such portion.

**Notice of
apportionment**

22. The Minister shall thereupon give notice by registered letter to the owner of any parcel of land against which any portion of such cost of construction is apportioned whose address is known, of the amount of such cost apportioned against such land, and any cost which any such owner may be liable to pay under the provisions of section 13 hereof shall be added thereto and shall be deemed to be a part of the sum apportioned against such land.

(2) In the event of the address of any owner of land assessed under the provisions of this Act being unknown, the Minister may give notice of the proportion of the cost of construction assessed against such land by registered letter addressed to the owner at any post office in the vicinity of the land so assessed.

**Amount
payable to
be a lien on
the land**

23. All sums apportioned against any lands under the preceding sections shall be a special lien against such lands in favour of His Majesty in the right of the province, having priority over any claim, lien, privilege or encumbrance thereon except taxes.

(2) In the event of any portion of the cost of construction of the ditch or other amount as herein provided being apportioned against any parcel of land for which patent has not been issued by the Crown the amount of such portion shall become a lien as in this section provided immediately upon such patent being issued.

RECOVERY OF AMOUNT OF ASSESSMENTS.

24. Any sum apportioned against any parcel of land or such portion thereof as may from time to time be payable as hereinbefore provided shall be recoverable as a debt due to His Majesty in the right of the province by suit against the owner of such parcel of land in the name of the Attorney General and in any such suit a certificate purporting to be signed by the Minister of the amount so apportioned shall be *prima facie* evidence of the debt. A debt due to His Majesty

25. Any sum apportioned against any parcel of land shall be payable to the Minister in ten equal annual instalments on the first day of December in each year, beginning in the year in which the ditch or portion thereof which serves such parcel is completed according to the certificate of the engineer as mentioned in section 21 hereof, and unpaid instalments shall bear interest at the rate of five per centum per annum. Payable in instalments

26. Any person liable to pay any sum of money as in section 21 hereof provided may commute the unpaid instalments by a cash payment of the total amount of such instalments less an amount equal to the discount on such instalments respectively at the rate of five per centum per annum, or, with the consent of the Minister, may pay the same in a less number of annual instalments than is provided in the said section. Amount may be commuted

MAINTENANCE AND REPAIRS.

27. The Minister shall make provision for all work necessary for the maintenance of and repairs to any government ditch and the cost thereof shall be apportioned in the same manner as the cost of the construction of such ditch and shall be due and payable on the first day of December of the year in which the work is done. Maintenance of ditch

28. In case the owner of any parcel of land neglects to pay any sum for which he is liable for one month after such sum becomes due the Minister may cause the same to be levied with costs by distress of the goods and chattels of or in the possession of such owner or of any goods and chattels found on the said parcel of land in the possession of any occupant thereof. Distress for amount assessed

29. In the event of any sum payable by the owner of any parcel of land remaining unpaid for two years, the Minister may cause notice to be sent by registered letter to all persons shown by the records of the proper land titles office to have any interest in the said parcel of land to the address shown by such records, if any, that after the expiration of three months from the mailing of such notice application will be made to a judge of the Supreme Court for an order vesting the title of the said parcel of land in His Majesty. Forfeiture for nonpayment

(2) At any time after the expiration of the said three months if the sum or sums due have not in the meantime been paid the Attorney General may apply to the judge on not less than ten days' notice to the parties and in the manner mentioned in the

next preceding subsection for a vesting order and the judge may thereupon direct that the said parcel of land be absolutely vested in His Majesty freed from all liens, mortgages and encumbrances of whatsoever kind.

(3) Upon any application under the next preceding subsection any certificate purporting to be signed by the Minister shall be *prima facie* evidence of the facts stated therein.

(4) In the event of the sum or sums due being paid before the judge has made the vesting order as provided in subsection (2) hereof the said owner shall pay to the Minister such costs as the judge may direct, otherwise the vesting order as hereinbefore provided may be made with reference to such land.

REMOVAL OF OBSTRUCTIONS.

Removal of
obstructions

30. When any government ditch heretofore or hereafter constructed becomes obstructed by dams, bridges, fences, washouts and other obstructions caused by the owner of the lands where such obstruction occurs so that the free flow of water is impeded thereby the owner of such land shall upon notice in writing given by the Minister remove such obstructions, and if not so removed within the time specified in the notice the Minister shall forthwith cause the same to be removed.

(2) Any person or persons who shall neglect or refuse to duly remove such obstructions as are mentioned in the next preceding subsection after having been given notice to do so by the Minister shall be liable on summary conviction to a penalty not exceeding fifty dollars.

Cost of
removal

31. The cost of removing such obstruction shall be paid by such owner to the Minister forthwith and in default of payment thereof the same may be recovered by suit in the name of the Attorney General against the person liable therefor.

Repeal

32. This Act shall be taken to supersede *The Drainage Ordinance* of the North-West Territories, being chapter 6 of the Ordinances of 1903 (1st Session).

SCHEDULE A.

Receiving, filing and transmitting to Minister and submitting to judge notice of appeal.....	\$.25
Notifying Minister and appellant of time and place of hearing of appeal.....	.25
Hearing fee.....	.50

1908

CHAPTER 19.

An Act respecting Poisons.

(Assented to March 5, 1908.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. Except as herein otherwise provided, no person shall put out poison in that part of the province described in section 2 hereof.

2. In that portion of the province lying to the north of the fifty-fifth degree north latitude a person may put out poison for the destruction of wolves upon satisfying an officer or constable of the Royal North-West Mounted Police stationed either at the Village of Athabasca Landing or in the portion of the province in this section mentioned (or if there be no officer or constable of the Royal North-West Mounted Police in such place or territory then any other public officer or constable therein) of the necessity or advisability of so doing, and obtaining the written permission of such officer or constable to do so.

(2) Such written permission shall specify the area within which the poison may be set out and no poison shall be set out outside of the area so mentioned.

3. The permission in the last preceding section referred to may be in the form set out in schedule A to this Act, but no such permission shall be given for a longer period than six months in any year.

4. No person shall set out poison, except it be upon his own premises, within one mile of any public road or trail, or within two miles of any dwelling house or camp, nor shall poison be set out unless it is mixed with grease and placed in a hole or hollow in a piece of timber or other material, or is placed in a vessel.

5. Every person guilty of a contravention of the provisions of this Act shall be liable to a penalty of not more than \$100 on summary conviction.

SCHEDULE A.

PERMISSION TO PUT OUT POISON.

A.B., who resides at.....is hereby permitted to set out strychnine or other poisons for the purpose of destroying wolves within the following area, namely:

Provided that such poison shall not be placed within one mile of any public road or trail or within two miles of any dwelling house or camp except on the premises of the said A.B.

This permission is only good for six months from the date hereof.

Given under my hand at.....this.....
day of....., A.D. 19.....

.....
(Signature of officer or constable giving permission.)

1908

CHAPTER 20.

An Act to Amend the Statute Law.

(Consolidated in the various Ordinances and Acts.)

1908

CHAPTER 21.

An Act respecting Seed Grain.

(Assented to February 21, 1908.)

(See also Seed Grain Act, 1915, c. 14.)

WHEREAS the Lieutenant Governor in Council has had ^{Preamble} under consideration the recommendation and report of the Honourable the Minister of Agriculture, which report bears date the sixth day of February, A.D. 1908, and sets forth that a serious situation exists in the Province of Alberta regarding the supply of good seed suitable for next season; that the condition is due to the weather conditions of last year, the crops not having ripened before the frost; that in many sections of the province the grain on hand is totally unfit for seed; that this is especially true of oats and barley and that prompt attention is necessary to avert possible disaster to the province and Dominion;

And whereas the said report of the Honourable the Minister of Agriculture further sets forth that the farmers individually cannot successfully cope with the situation, and owing to the money stringency the province cannot depend on the Canadian banks furnishing requisite funds, and there is no time for an immediate foreign loan, the credit of the province not yet being established;

And whereas the said report of the Honourable the Minister of Agriculture states that the estimated amount of seed needed is one hundred thousand (100,000) bushels of wheat, one hundred thousand (100,000) bushels of barley, and four hundred and fifty thousand (450,000) bushels of oats;

And whereas the said report of the Honourable the Minister of Agriculture recommends that for the purpose of obtaining funds for the purchase of seed grain for the settlers, the Provincial Treasurer be authorized to receive from the Government of Canada, by way of a loan on the credit of the province, the sum of four hundred and forty thousand (\$440,000.00) dollars, or such part thereof as may be required for the purpose stated, and that the province agree to pay the Government of Canada any sum so advanced, together with five per centum per annum interest thereon, on or before the thirty-first day of March, 1909, and that if any part of the said sum and interest shall remain unpaid on the said date, the same shall thereupon become a charge upon any subsidy allowance, grant, or money which for any purpose whatsoever may at any time hereafter become payable by the Government of Canada to the Government of the Province of Alberta;

And whereas the said report of the Honourable the Minister of Agriculture further recommends that the Government of Canada may appropriate such portions or portion of any such subsidy allowance, grant, or money as it may deem necessary or advisable towards the repayment of such sum and interest, and that the Government of the province engages to recommend

to the Legislature of the province, at the earliest opportunity, the enactment of a law approving and confirming this order in council;

And whereas it is expedient that the action of the Lieutenant Governor in Council in this regard be ratified by an Act of this province;

Now, therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Order in
Council
authorizing
loan of
\$440,000.00
for seed grain

1. It is hereby declared that the Lieutenant Governor in Council shall be deemed to have had power by law to provide by order in council as in the hereinbefore recited order in council provided, and the said order in council is hereby approved, ratified and confirmed.

Lieutenant
Governor in
Council may
provide for
distribution of
seed grain and
taking of
security

2. The Lieutenant Governor in Council shall have power and shall be deemed to have had power by order in council to provide for the purchase, sale and distribution among such of the farmers and settlers in the province being owners or occupants of patented land or of land for which the issue of patent has been recommended as apply for the same of the seed grain so purchased in such quantities and upon such terms as to the taking of security for the repayment to the Government of the cost of the seed grain so supplied by way of mortgage upon growing crops or otherwise as shall appear necessary or proper.

Amount of
purchase price
to be a charge
upon all
property of
the applicant

3. The amount agreed to be paid by any applicant for seed grain in consideration of the advance to him by the Government of such seed grain, together with interest thereon at the rate of five per centum per annum until paid, shall be a charge upon any property, real or personal, of the applicant, whether in the province or elsewhere, having priority over all other liens, charges and encumbrances thereon, and being capable of enforcement by seizure and sale of such property upon default in payment of the said amount under a warrant signed by the Minister, or by any person authorized by the Minister to execute such warrant wherever the said property may be found.

Amount of
purchase price
to be a tax
upon land for
which seed
grain has been
furnished

4. The amount agreed to be paid by any applicant for seed grain, together with interest as aforesaid, shall be a tax upon such applicant and upon the land for the cultivation of which seed grain has been furnished, and in addition to any other remedies herein contained or otherwise available for the collection of the same, the following provisions in relation thereto shall have effect:

Method of
assessment and
collection of
taxes

(a) The Minister may cause to be furnished to the tax commissioner under *The Local Improvement Act*, a list of persons to whom seed grain has been supplied, together with the addresses of such persons, as given in their application for seed grain, a description of the land in respect of which seed grain has been so supplied, and a statement of the amount agreed to be paid by each of the said persons therefor;

(b) Upon the receipt of such list the said tax commissioner shall forthwith send by prepaid post to the persons appearing upon such list at the addresses given therein a notice in form A

of the schedule to this Act and thereupon the person to whom such notice is addressed and the land in the said notice mentioned shall be taken to be assessed for the amount mentioned in the notice for taxes due to the province, and such taxes shall be payable on or before the 1st day of March, 1909;

(c) In default of the payment of the taxes so due, the said tax commissioner may, by himself or his agent, levy the same with costs by distress upon the goods or chattels of the person who ought to pay the same, or on any goods or chattels in his possession wherever the same may be found, or on any goods or chattels found on the land, the property of or in the possession of any other occupant thereof, and may impound the same on the premises where distrained, and no claim of property, lien or privilege shall be available to prevent the sale or the payment of the taxes and costs out of the proceeds of the sale thereof;

(d) Any taxes or arrears of taxes due hereunder may be recovered as a debt by suit in the name of the tax commissioner, and in any such suit proof of the sending of the notice in subclause (b) hereof mentioned shall be *prima facie* evidence of the debt;

(e) The tax commissioner upon recovering any sum of money for taxes due hereunder shall forthwith forward the same to the Provincial Treasurer.

5. No claim of exemption or privilege whether statutory or otherwise shall be available in any proceedings taken under this Act.

Provisions regarding exemptions not to apply in proceedings taken under Act

6. Upon notification being received by any person or company from the department that any person is indebted to or has agreed to pay the Government the cost of any seed grain supplied to him or for his benefit the person or company so notified shall retain out of any moneys that may at any time after the receipt by him of the notice be or become payable to the person to whom, or for his benefit as therein stated seed grain has been so supplied, the amount in the said notice mentioned as the cost of the seed grain so supplied, or such portion thereof as shall be payable by the person or company receiving the notice to the other, and shall forward the same to the department, and the Minister shall thereupon cause a new notice to be sent to the person or company remitting such sum stating the balance, if any, still due to the Government in respect of the seed grain so supplied and if there be no balance due so stating, and the amount, if any, mentioned in such new notice shall be so retained and remitted as herein provided.

Persons owing money to applicants for seed grain to retain amount due the Government and remit such amount to the department after receiving notice of indebtedness of applicant to the Government

(2) Any person or company omitting to so retain and transmit to the department any such amount as is in this section mentioned shall be liable to pay to the Government the amount, if any, which, after the receipt by him of the notice or new notice, he has paid to or on account of the person mentioned in the notice or new notice as the person to whom seed grain has been so supplied, and such amount may be recovered by suit in the name of the Minister.

Amount paid in contravention of notice to be paid over again to the Government

7. The secretaries of small local improvement districts, and the persons occupying the positions of postmaster in large local improvement districts, dominion land agents, subland agents,

Persons entitled to take affidavits and declarations in

connection
with seed grain
applicants

homestead inspectors and members of the Royal North-West Mounted Police, shall have the power to administer oaths and to take statutory declarations in connection with applications for seed grain; and all railway station agents shall have power to administer oaths and to take statutory declarations in connection with the securities by way of chattel mortgage or otherwise that may be taken for the cost thereof.

Lieutenant
Governor in
Council
may make
regulations

8. The Lieutenant Governor in Council may make such regulations and prescribe such forms not being inconsistent with this Act as shall be found necessary or convenient for the proper administration thereof.

Interpretation

9. In this Act, unless the context otherwise requires—

1. "Department" means Department of Agriculture;
2. "Government" or "Government of the Province" means His Majesty in the right of the Province of Alberta;
3. "Land" means lands, tenements and hereditaments, and any estate or interest therein;
4. "Minister" means the Minister of Agriculture.

SCHEDULE.

FORM A.

. NOTICE OF TAXES FOR SEED GRAIN.

Take notice that you have been assessed in respect of the land herein mentioned the sum of.....dollars and..... cents (*amount in figures*) for seed grain supplied to you by the Government of Alberta.

And further take notice that the said amount is payable by you to the Government of Alberta on or before the first day of March, 1909, and that in default of payment on or before the said date the said amount may be realized by seizure, distress, or suit as provided for in *An Act respecting Seed Grain*, being chapter.....of the Statutes of Alberta, 1908.

The said amount may be paid to the Provincial Treasurer of Alberta, to the Minister of Agriculture thereof, to any one duly authorized by the said Minister to receive the same, or to the undersigned.

The land in respect of which you are assessed as hereinbefore mentioned is.....quarter Section.....Township.....Range.....west of..... Meridian.

Dated at.....the..... day of....., 1908.

(*Signature of tax commissioner under The Local Improvement Act.*)

NOTE.—Chapters 22 to 43 inclusive of 1908 are Private Acts.

1909

CHAPTER 1.

**An Act for Granting to His Majesty Certain Sums of Money
for the Civil Service for the Financial Year ending the
Thirty-first day of December, 1909.**

(Assented to February 25, 1909.)

Most Gracious Sovereign:

WHEREAS it appears by Message from His Honour George Hedley Vicars Bulvea, the Lieutenant Governor of the Province of Alberta, and the Estimates accompanying the said Message, that the sums hereinafter mentioned are required to defray certain expenses of the Civil Service of this province not otherwise provided for during the financial year ending the thirty-first day of December, one thousand nine hundred and nine, and for other purposes relating thereto: May it therefore please Your Majesty that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, as follows:

1. This Act may be cited as "*The Appropriation Act, 1909.*"

2. From and out of the General Revenue Fund there may be paid and applied a sum not exceeding in the whole three million eight hundred and eighty-one thousand four hundred and one dollars and four cents (\$3,881,401.04) towards defraying the several charges and expenses of the Civil Service of the province for the financial year ending the thirty-first day of December, in the year of our Lord one thousand nine hundred and nine, not otherwise provided for and set forth in schedule A to this Act, and also for the other purposes in the said schedule mentioned.

And the sum of four hundred thousand dollars for the expenses of legislation, maintenance of public institutions, salaries of officers of the Government and Civil Service from the first day of January, one thousand nine hundred and ten, up to and until the final passage of the Estimates of Expenditure for the financial year one thousand nine hundred and ten, as set forth in schedule B.

3. The due application of all moneys expended under this Act shall be accounted for.

SCHEDULE A.

I.

CIVIL GOVERNMENT—

Lieutenant Governor's Office....	\$ 2,700.00
Executive Council.....	47,700.00
Attorney General's Department..	19,640.00
Provincial Secretary's Dept....	5,320.00
Treasury Department.....	11,880.00
Provincial Auditor's Office.....	10,450.00
Public Works Department.....	51,460.00
Education Department.....	17,200.00
Agriculture Department.....	25,715.00

\$192,065.00

II.

LEGISLATION..... 37,700.00

III.

ADMINISTRATION OF JUSTICE..... 370,870.00

IV.

PUBLIC WORKS—

Chargeable to income.....	710,173.00	
Chargeable to capital.....		\$800,000.00

V.

EDUCATION..... 318,400.00

VI.

AGRICULTURE AND STATISTICS..... 516,853.04

VII.

HOSPITALS, CHARITIES AND PUBLIC

HEALTH..... 80,640.00

VIII.

MISCELLANEOUS..... 244,700.00

IX.

TELEPHONES—

Chargeable to telephone account.		\$610,000.00	
	\$2,471,401.04	\$800,000.00	\$610,000.00

SCHEDULE B.

Sum granted to His Majesty by the Act for the year one thousand nine hundred and ten and the purpose for which it is granted:
 To defray the expenses of legislation, maintenance of public institutions, salaries of the officers of the Government and Civil Service from January 1, 1910, up to and until the final passage of the Estimates of Expenditure for the financial year 1910.....\$ 400,000.00

1909

CHAPTER 2.

An Act respecting the Legislative Assembly of Alberta.

(Assented to February 25, 1909.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Legislative Assembly shall be composed of fifty-six ^{Assembly to consist of 56 members} members to represent the electoral districts mentioned in schedule 1 to this Act until the Legislature otherwise provides. 1913, (1st Session), c. 2, s. 1.

2. Each of the electoral districts nominated or defined or constituted in or by schedule 1 to this Act shall return one member, except the electoral district of Edmonton, which shall return two members. 1913 (1st Session), c. 2, s. 2.

3. No Legislative Assembly summoned or called in and for this province shall determine or be dissolved by the demise of the Crown, but the Assembly shall continue, and may meet, convene and sit, proceed and act, notwithstanding the demise of the Crown, in the same manner as if such demise had not happened. ^{Legislature not dissolved by demise of the Crown}

(2) Nothing in this section shall alter or abridge the power of the Crown to prorogue or dissolve the Assembly. ^{Power to prorogue or dissolve not affected}

4. Every Legislative Assembly shall continue for five years from the date of the return of the writs for the election, and no longer, subject to being sooner dissolved by the Lieutenant Governor. ^{Duration of Legislative Assembly}

5. There shall be a session of the Legislature once at least in every year, so that twelve months shall not intervene between the last sitting of the Legislature in one session and its first sitting in the next. ^{Yearly session of Legislature}

6. It shall not be necessary for the Lieutenant Governor in proroguing the Legislature to name any day to which the same is prorogued; nor to issue a formal proclamation for a meeting of the Legislature when it is not intended that the Legislature shall meet for despatch of business. ^{Prorogation of Legislature formal proclamations unnecessary}

DISQUALIFICATION AS MEMBERS.

7. No senator or member of the House of Commons of Canada shall be eligible as a member of the Legislative Assembly. ^{No senator or member of the House of Commons of Canada eligible}

Members of the Legislative Assembly not to be members of House of Commons

8. If any person, being a member of the Legislative Assembly, sits or votes as a member of the House of Commons of Canada his election to the Legislative Assembly shall thereby become void and his seat shall be vacated, and he shall become incapable of sitting or voting in the Legislative Assembly, and a writ shall issue for a new election in the manner provided for in sections 26 and 27 of this Act, and such person shall not be eligible for re-election as a member of the Legislative Assembly so long as he continues to be a member of the House of Commons.

Persons holding office, etc., at the nomination of the Crown, etc., ineligible

9. Except as hereinafter specially provided, no person—

- (a) Accepting or holding any office, commission or employment either in the service of the Dominion of Canada, or in the service of the Government of Alberta at the nomination of the Crown or of the Lieutenant Governor to which a salary or any fee, allowance or emolument in lieu of a salary from the Crown or from the province is attached; or
- (b) Accepting or holding any office, commission or employment of profit at the nomination of the Crown, or of the Government, or of any head of a department in the Government of Alberta, whether such profit is or is not payable out of the public funds;

shall be eligible as a member of the Legislative Assembly, or shall sit and vote in the same during the time he holds such office, commission or employment, but nothing in this section shall be construed to apply to the Speaker or Deputy Speaker of the Legislative Assembly, or to the member occupying the recognised position of leader of the opposition in the Legislative Assembly. 1911-12, c. 4, s. 32.

Exceptions as to persons holding certain offices

(2) Nothing in this section shall render ineligible as aforesaid any person being a member of the Executive Council, or holding any of the following offices, that is to say: President or Chairman of the Council, Attorney General, Provincial Secretary, Minister of Agriculture, Minister of Public Works, Minister of Education, or the Minister or head of any other public department that may hereafter be organized by statute of this province.

Officers in the army, navy, or militia, etc.

(3) Nothing in this section shall render ineligible, as aforesaid, or disqualify to sit and vote in the Legislative Assembly, any officer of His Majesty's Army or Navy, or any officer in the militia or militiaman (except officers on the staff of the militia receiving permanent salaries), or any justice of the peace, coroner or notary public.

No public contractor eligible

10. No person whomsoever, holding or enjoying, undertaking or executing, directly or indirectly, alone or with any other, by himself or by the interposition of a trustee or third party, any contract or agreement with His Majesty, or with any public officer or department, with respect to the public service of Alberta, or under which any public money of Alberta is to be paid for any service or work, matter or thing, shall be eligible as a member of the Legislative Assembly, nor shall he sit or vote in the same.

Trustees of estates of contractors not to be disqualified

11. No person is ineligible, or shall be deemed to have been ineligible, to be a member of the Legislative Assembly, by reason of his being or having been interested as an executor, adminis-

trator or trustee only, having otherwise no beneficial interest in a contract or agreement with His Majesty, or with a public officer or department with respect to the public service of the province, or under which public money of the province is to be paid for any service, work, matter or thing.

(2) Nor is any person ineligible nor shall any person be deemed to have been ineligible as aforesaid by reason of his being, or having been, a shareholder or director in an incorporated company having any such contract or agreement as aforesaid; unless such contract or agreement is for the building of a public work for the province.

Shareholders in contracting companies not disqualified
Exception

(3) Nor is any person ineligible to be a member of the Legislative Assembly or disqualified to sit and vote therein by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication in which from time to time official advertisements are inserted which appear in other newspapers or publications in the Province of Alberta, or which is subscribed for by the Government of Alberta or any department thereof, or by any of the public institutions of the province, although such advertisements or subscriptions are paid for at the usual rates out of the public moneys of the Province of Alberta.

Owners and persons interested in certain newspapers not disqualified

12. A person shall not be incapable of being elected a member of the Legislative Assembly by reason of his being a surety for a sheriff, registrar, clerk, bailiff, or other public officer, or by reason of his being a surety or contractor for the payment of the maintenance of a patient at a public asylum for the insane unless he is otherwise disqualified.

Exceptions as to sureties of sheriffs, etc.

(2) Any person who is elected a member of the Legislative Assembly, being at the time of his election a surety as aforesaid, shall, before he sits or votes in the Legislative Assembly, take and complete such action as may be requisite to relieve him from any thereafter accruing liability in respect of his suretyship, and no person who is liable as such surety in respect of any accruing matter shall sit or vote in the Legislative Assembly.

13. The provisions of the preceding section shall not be regarded as a legislative declaration that the person in the said section described, or any of them, come within the disqualification of the said section.

Preceding section not a declaration of disqualification

14. No disqualification, under sections 9 or 10 of this Act, on any ground arising before the election shall be held by any court to affect or to have hitherto affected the seat of a member of the Legislative Assembly, or to disentitle or to have disentitled any person to sit or vote therein, until such disqualification has been duly declared and found by an election court; but this is not to be construed as affecting the cases provided for by section 12; nor as affecting the right of the Legislative Assembly to expel a member according to the practice of Parliament or otherwise.

Disqualification before election not to apply until declared by courts
Exceptions as to certain cases

15. If any person hereby disqualified or declared ineligible or incapable of being elected a member of the Legislative Assembly is nevertheless elected and returned as a member his election and return shall be null and void.

Election of person disqualified to be void

If member disqualified by accepting office or contract, seat to be vacated

May be re-elected

Certain officers may resign one office and accept another without vacating seat

Acceptance of additional office not to vacate seat

16. If any member of the Legislative Assembly becomes a member of the Executive Council, or if by accepting any other office or becoming a party to any contract or agreement as in section 10 mentioned, he becomes disqualified by law to continue to sit or vote in the Legislative Assembly, his election shall thereby become void, and his seat shall be vacated, and a writ shall, in the manner provided by sections 26 and 27 of this Act, issue for a new election as if he were naturally dead; but he may be re-elected if he is not declared ineligible under this Act.

(2) Nevertheless, whenever any person holding the office of President or Chairman of the Council, Attorney General, Provincial Secretary, Provincial Treasurer, Minister of Agriculture, Minister of Public Works, Minister of Education, or the Minister or head of any public Department that may hereafter be organized by Statute of this province, and being at the same time a member of the Legislative Assembly, resigns his office, and within one month after his resignation accepts any other of the said offices, he shall not thereby vacate his seat in the Legislative Assembly, unless the administration of which he was a member has resigned, and a new administration occupies the said offices; and in case a member of the Executive Council holding any one of the said offices is appointed to hold another office in addition to or in connection with such first mentioned office he shall not thereby vacate his seat in the Legislative Assembly; and any increase or change of emolument arising from the holding of such two offices shall not cause any vacancy or render a re-election necessary.

No disqualified person shall sit or vote

Penalty

How recoverable

Proceedings after recovery of judgment

While action pending no second action

Staying proceedings in other actions

17. No person disqualified by this Act or by any other law to be elected a member of the Legislative Assembly shall sit or vote in the same while he remains under such disqualification; and if any person by this Act made ineligible as a member of or declared incapable of sitting or voting in the Legislative Assembly sits or votes therein while he is so ineligible or incapable he shall thereby forfeit the sum of \$200 for every day on which he so sits or votes; and such sum may be recovered from him by any person who may sue for the same by action in any court of competent civil jurisdiction in Alberta.

(2) In case an action is brought and judgment therein is recovered against the defendant no proceedings shall be had in any other action against the same person for any such offence committed before the time or notice to him of the recovery of the judgment.

(3) While such action is pending no other such action shall be brought against the same defendant.

(4) The court wherein any other action is brought, contrary to the intent and meaning of this Act, shall and may, upon the defendant's motion, stay the proceedings therein, if the first mentioned action be prosecuted without fraud and with effect; but no action shall be deemed an action within this section unless so prosecuted.

DISCLAIMER.

Disclaimer by member-elect

18. A member elected to the Legislative Assembly may disclaim his seat in the manner hereinafter provided, and the

member so disclaiming shall be held to have thereby vacated the seat and to have ceased to be a member of the said Assembly in respect of the seat so disclaimed.

19. At any time after an election the member-elect who desires to disclaim may transmit (postpaid and registered) through the post office, directed to "The Clerk of the Legislative Assembly, Edmonton," or may cause to be delivered to such clerk a disclaimer signed by such member to the effect following: Mode of disclaiming

"I, A.B., member-elect to the Legislative Assembly of the Province of Alberta for the electoral division of do hereby disclaim all my right or title to sit or vote as such member or in any manner to act as such member." Form of disclaimer

20. Such disclaimer shall not affect the right of any person entitled to contest the election and claiming the seat for himself or some other person, and shall not affect the liability of the person disclaiming in respect of corrupt practices. In case of a petition claiming the seat for some other person the judge or judges trying the election shall determine whether any candidate other than the member who has disclaimed was duly elected; and a candidate declared by the judge or judges duly elected shall be entitled to take his seat. Effect of disclaimer on right and liabilities

21. The clerk of the House shall at the earliest practicable moment after he receives the disclaimer transmit or deliver a copy thereof to the clerk of the Supreme Court for the judicial district in which the electoral district or the largest part thereof for which the person so disclaiming has been elected is situated, who shall give notice of such disclaimer to any person who has filed, or who may thereafter present to be filed a petition against the member so disclaiming. Notice of disclaimer

22. Notwithstanding anything in this Act contained a judge of the Supreme Court may, notwithstanding such disclaimer, upon the application of any voter in the electoral district within ten days after the clerk of the court as in the last preceding section mentioned shall have received notice of such disclaimer, upon its being made to appear that corruption has extensively prevailed at the election, permit a petition to be filed in the same manner and as though no such disclaimer had been made, or may, upon the grounds aforesaid, permit proceedings upon any petition which has been filed to proceed upon such terms as he may think fit. Permitting petition to be filed where corruption charged

23. If no petition is filed within the time limited for that purpose by *The Controverted Elections Act*, or if the petition is dismissed, the Lieutenant Governor in Council shall direct the issue of a new writ for the election of a member in the place of the member disclaiming; and the writ shall issue accordingly. Issuing writ when no petition filed after disclaimer

VACATING OF SEATS.

24. Any member of the Legislative Assembly may vacate his seat therein in the manner herein provided: A member may vacate seat

1. He may openly in his place in the Legislative Assembly declare his wish to vacate his seat as a member and in such case By openly declaring his intention in Legislative Assembly

the clerk of the Legislative Assembly shall record the same in the journals and the seat of such member shall be forthwith vacated; or

Or by
delivering to
Speaker written
resignation

2. He may deliver to the Speaker a statement in writing under his hand, attested by two witnesses, declaring his resignation of such seat; upon the receipt whereof by the Speaker (whether during the session of the Assembly or not) the seat of such member shall become vacant.

Or by
delivering
a written
resignation to
two members
of Legislative
Assembly

25. If any member of the Legislative Assembly wishes to resign his seat whether during or before any session or in the interval between two sessions of the Assembly and there be then no Speaker or such member be the Speaker, he may address and cause to be delivered to any two members of the Legislative Assembly a statement in writing under his hand attested by two witnesses declaring his resignation of such seat which statement may be in form C in schedule 2 to this Act and upon the receipt thereof by such two members the seat shall become vacant.

Duty of
Speaker or two
members on
receiving
resignation

26. The speaker or such two members as the case may be upon receiving such declaration or resignation shall forthwith address his or their warrant under his or their hand and seal or hands and seals as in form D in schedule 2 to this Act to the clerk of the Executive Council for the issue of a new writ for the election of a member in the place of the member so notifying his intention to resign and such writ shall issue accordingly.

In case of
vacancy by
death, etc.,
any two
members
may give
notice of
vacancy

Provide

27. Upon any vacancy in the representation of any electoral district created by death or in any way other than by resignation any two members of the Legislative Assembly may give notice of the vacancy to the clerk of the Executive Council and require the issue of a writ to fill the same:

Provided that in case such vacancy shall occur subsequently to a general election and before the first meeting of the Legislative Assembly thereafter such notice and requisition to the clerk of the Executive Council may be given by two members-elect of the said Legislative Assembly of whose election the said clerk as such shall have had due notice; and such notice and every such notice and requisition given under this section shall be submitted forthwith after its receipt by the said clerk to the Lieutenant Governor in Council; and upon its return by him to the said clerk endorsed as approved the necessary proceeding shall be taken in pursuance thereof as in the case of a warrant under the next preceding section.

Member not
permitted to
resign until
finally declared
elected

28. No member-elect of the Legislative Assembly shall be permitted to resign under the provisions of this Act until he has been finally declared elected.

Resignation
of member
not to affect
proceedings
with respect to
controverted
elections

29. The resignation of a member shall in no way affect the conduct or result of any proceedings pending or which may thereafter be taken under the provisions of any law in force in the province respecting controverted elections.

SPEAKER AND DEPUTY SPEAKER.

30. The Legislative Assembly on its first assembling after a general election shall proceed with all practicable speed to elect one of its members to be Speaker. Election of Speaker

(2) In case of a vacancy happening in the office of Speaker by death, resignation or otherwise the Legislative Assembly shall proceed with all practicable speed to elect another of its members to be Speaker.

(3) The Speaker shall preside at all meetings of the Legislative Assembly. Speaker to preside

31. The Legislative Assembly may elect a deputy and whenever the Speaker from illness or other cause finds it necessary to leave the chair during any part of the sittings of the House in any day he may call upon the deputy Speaker or in his absence upon any member of the House to take the chair and act as Speaker during the remainder of such day unless the Speaker himself resumes the chair before the close of such sitting of that day; and the deputy Speaker or the member so called upon shall take the chair and act as Speaker accordingly and every Act passed and every order made and thing done by the Legislative Assembly while such deputy Speaker or member is acting as Speaker as aforesaid shall be as valid and effectual to all intents and purposes as if the Speaker himself were presiding in the chair. Deputy Speaker

32. Whenever the House is informed by the clerk at the table of the unavoidable absence of the Speaker the deputy Speaker if present shall take the chair and shall perform the duties and exercise the authority of the Speaker in relation to all proceedings of the House until the meeting of the House on the next sitting day and so on from day to day on the like information being given to the Assembly until the Assembly otherwise orders. When Speaker absent deputy Speaker (if present) to perform duties

33. Whenever the House is informed by the clerk at the table of the unavoidable absence of both the Speaker and the deputy Speaker it shall be lawful for the said Assembly to elect a member to take the chair and act as Speaker for that day. When Speaker and deputy Speaker both absent Assembly to elect acting Speaker

34. Every Act passed and every order made and thing done by the said Assembly while such member is acting or presiding as Speaker as aforesaid shall be as valid and effectual to all intents and purposes as if the Speaker himself were presiding in the chair. In such a case Acts passed, etc., to be as valid as if Speaker himself in chair

35. Questions arising in the Legislative Assembly shall be decided by a majority of votes other than those of the Speaker or acting Speaker; and when the votes are equal but not otherwise the Speaker or acting Speaker shall have a vote. Decision of question

36. An allowance of \$2,500 shall be paid to the Speaker for each session of the Legislature, and to the deputy Speaker such allowance as may be voted by the Legislative Assembly. 1913 (2nd Session), c. 2, s. 28. Allowance to Speaker and deputy

POWERS AND PRIVILEGES OF THE LEGISLATIVE ASSEMBLY.

Legislative
Assembly
may compel
attendance of
persons, etc.

37. The Legislative Assembly may at all times command and compel the attendance before the Assembly or before any committee thereof of such persons and the production of such papers and things as the Assembly or committee may deem necessary in any of its proceedings or deliberations.

Speaker may
issue warrant
for attendance

38. Whenever the Legislative Assembly requires the attendance of any person before the said Assembly or before a committee thereof the Speaker may issue a warrant or subpoena directed to the person named in the order of the Legislative Assembly requiring the attendance of such person before the Legislative Assembly or a committee thereof and the production of such papers and things as may be ordered.

Witnesses may
be examined
under oath
before com-
mittee

39. Any standing or select committee of the Legislative Assembly may require the facts, matters and things relating to the subject of inquiry to be verified or otherwise ascertained by the oral examination of witnesses or otherwise, and may examine such witnesses upon oath, and for that purpose the chairman or any other member of such committee may administer to any witness an oath of affirmation in form A or form B in schedule 2 to this Act.

No liability
in damages
for any act
done under
authority of
Legislative
Assembly

40. No person shall be liable in damages or otherwise for any act done under the authority of the Legislative Assembly and within its legal power or under or by virtue of any warrant or subpoena issued under such authority; all such warrants may command the aid and assistance of all sheriffs, constables and others and every refusal or failure to give such aid or assistance when required shall be an infringement of this Act.

Member
not liable
to civil action
or prosecution

41. No member of the Legislative Assembly shall be liable to any civil action or prosecution, arrest, imprisonment or damages by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise or by reason of anything said by him before the said Assembly.

Except for
breach of this
Act member
not liable to
arrest in civil
action during
session

42. Except for any breach of this Act no member of the said Assembly shall be liable to arrest, detention or molestation for any debt or cause whatever of a civil nature within the legislative authority of the province during a session of the Legislature or during twenty days preceding or twenty days following the session.

Exemption of
members and
officers from
serving as jurors

43. During the periods mentioned in the preceding section all members, officers and employees of the Assembly, and all witnesses summoned to attend before the same or a committee thereof, shall be exempt from serving or attending as jurors before any court of justice in this province.

Legislative
Assembly to
have rights
and privileges
of a court

44. The said Assembly shall be a court and shall have all the rights and privileges of a court for the purpose of summarily inquiring into and punishing the acts, matters and things following:

- (a) Assaults, insults and libels upon the members of the Assaults on members
Legislative Assembly while in session;
- (b) Obstructing, threatening or attempting to force or Intimidating members
intimidate members of the said Assembly;
- (c) The offering to or acceptance of a bribe by a member Offer or acceptance of bribe
of the said Assembly to influence him in his proceedings as such or the offering to or acceptance of any fee, compensation or reward by any member for or in respect of the promotion of any bill, resolution, matter or thing submitted to or intended to be submitted to the said Assembly or any committee thereof;
- (d) Assaults upon or interference with officers of the said Assaults on officers
Assembly while in the execution of their duties;
- (e) Tampering with any witness in regard to evidence to Tampering with witnesses
be given by him before the said Assembly or any committee thereof;
- (f) Presenting to the said Assembly or any committee Presenting forged or falsified document to Assembly
thereof any forged or falsified document with intent to deceive such Assembly or committee;
- (g) Forging, falsifying or wrongfully altering any record Forging records or documents of Assembly
of such Assembly or of any committee thereof or any document or petition presented or filed or intended to be presented or filed before said Assembly or committee or the setting or subscribing by any person of the names of any other person in any such document or petition with intent to deceive;
- (h) The bringing of any civil action or prosecution against Bringing action or causing arrest of member for anything done in Assembly
or the causing or effecting of any arrest or imprisonment of any member of the said Assembly for or by reason of any matter or thing brought by him by petition, bill, resolution, motion or otherwise entered by him before said Assembly;
- (i) The causing or the effecting of the arrest, detention, Arrest or detention of member in civil cause
molestation of any member of the Assembly for any debt or cause whatever of a civil nature during any session of the Legislative Assembly;

and for the purposes of this Act the said Assembly is hereby declared to possess all such power and jurisdiction as may be necessary or expedient for inquiring into, judging and pronouncing upon the commission or doing of any such acts, matters or things and awarding and carrying into execution the punishment thereof as provided for by this Act. Legislative Assembly to possess and exercise all necessary powers and jurisdiction

45. Every person who upon such inquiry appears to have committed or done any of the acts, matters or things in the last preceding section mentioned in addition to any other penalty to which he may by law be subject shall be liable to imprisonment for such time during the session of the Legislative Assembly then being held as may be determined by the Legislative Assembly. Legislative Assembly may award imprisonment upon inquiry

46. The determination of the Legislative Assembly upon any proceedings under this Act shall be final and conclusive. Determination by Legislative Assembly to be final and conclusive

47. Whenever the Legislative Assembly declares that any person has been guilty of a contempt for any of the acts, matters and things in section 49 set forth, and directs such person to be Proceeding on contravention of section 49, and arrest therefor

taken into custody or to be imprisoned, the Speaker shall issue his warrant to the sergeant-at-arms attending the House, or to the keeper or governor of the common gaol in the City of Edmonton, or to the officer commanding the Royal North-West Mounted Police for the district in which the said City of Edmonton is situated, to take such person into custody and to keep and detain him in custody in accordance with the order of the said Legislative Assembly in that behalf.

In action for
publication of
report, etc.
of Legislative
Assembly
defendant
protected

48. In case of any civil proceedings or prosecution against any person for or on account of or in respect of the publication of any copy of any report, papers, votes or proceedings of the said Assembly, the defendant at any stage of the proceedings may lay before the court or judge such report, papers, votes or proceedings and such copy with an affidavit verifying such report, papers, votes or proceedings and the correctness of such copy, and the court or judge shall immediately stay such civil proceedings and the same and every writ or process issued thereon shall be finally put an end to, determined and superseded by virtue of this Act.

Evidence in
such action

49. It shall be lawful in any civil proceedings against any person for printing an extract from or abstract of any such report, papers, votes or proceedings to give in evidence under the general issue or denial such report, paper, votes or proceedings and to show that such extract or abstract was published *bona fide* and without malice and if such shall be the opinion of the court or sitting jury as the case may be judgment shall be rendered or a verdict shall be entered for the defendant.

Printed copy
of journals
make evidence

50. In any such proceedings any copy of the journals of the Legislative Assembly printed or purporting to be printed by the order of the same shall be admitted as evidence of such journals by all courts, justices and others without any proof being given that such copies were so printed.

QUORUM AND MANNER OF VOTING.

Quorum of
Legislative
Assembly

51. The presence of at least twenty members of the Legislative Assembly shall be necessary to constitute a meeting of the Legislative Assembly for the exercise of its powers; and for that purpose the Speaker shall be reckoned.

MONEY VOTES.

Appropriation
of any part of
consolidated
revenue fund
to be first
recommended
by Lieutenant
Governor

52. The Legislative Assembly shall not originate or pass any vote, resolution, address or bill for the appropriation of any part of the general revenue fund, or of any other tax or impost, to any purpose which has not been first recommended by a message of the Lieutenant Governor to the Legislative Assembly during the session in which the vote, resolution, address or bill is proposed.

INDEMNITY TO MEMBERS.

Members'
indemnity

53. In each session of the Legislative Assembly there shall be allowed and payable to each member attending such session an allowance of \$1,500 and no more: 1911-12, c. 4, s. 32.

Provided always that a deduction at the rate of \$10 per day shall be made from the said sessional allowance for every day over and above five days on which a sitting of the Assembly is held, and on which the member does not attend such sitting or a meeting of some committee thereof: Deductions from sessional indemnity

Provided further that unless illness certified to by a qualified medical practitioner be the cause of absence and except in the cases provided for in section 55 hereof the sessional allowance of a member who does not attend sittings of the Assembly or meetings of some committee thereof on at least one-half of the total number of sittings days in any session shall be \$10 for each day of attendance and no more. 1913 (1st Session), c. 9, s. 20. Proviso in case of illness

(2) Notwithstanding any provision of this Act, every member on active service with His Majesty's military or naval forces in Canada or abroad, during the third session of the third Legislative Assembly, shall be paid the sum of fifteen hundred dollars by the Provincial Treasurer, together with the traveling expenses allowed by this Act, and a compliance with the provisions of subsections (a) and (b) of section 57 shall not be necessary. 1915, c. 2, s. 20.

54. The said compensation may be paid from time to time as the member becomes entitled to it to the extent of \$10 for each day's attendance as aforesaid, but the remainder shall be retained by the Provincial Treasurer until the close of the session when the final payment shall be made. How paid.

55. If any member be elected and take his seat in the Assembly after the commencement of the session or if during the session any member cease to be a member, he shall be entitled to the regular sessional allowance subject to a deduction of \$10 per day for each day of the session before taking his seat or after he ceased to be a member or both as the case may be. Member for only part of session

56. There shall be allowed to each member five cents for each mile of the distance between the nearest railway station to the place of residence of such member and the place at which the session is held, reckoning such distance going and coming, according to the shortest railway route together with his actual travelling expenses between his place of residence and such railway station when such distance is greater than five miles. Travelling expenses

57. The sum due to every member at the close of a session shall be calculated and paid to him on his making and signing before the clerk of the Legislative Assembly or a justice of the peace a solemn declaration to be kept by the Provincial Treasurer showing— Declaration of amount due for indemnity and expenses

- (a) The number of days on which he has attended the session.
- (b) The number of days (if any) for which a deduction from the amount of his sessional allowance has to be made under any preceding section of this Act; and
- (c) The amount of his actual travelling expenses as determined and certified by the Speaker.

SCHEDULE I.

(1913, 1st Session, c. 2.)

ATHABASCA.—Commencing at the eastern boundary of the Province of Alberta where it is intersected by the northern boundary of the said province; thence west along the northern boundary of the said Province of Alberta to the meridian line between ranges 13 and 14, west of the 5th meridian; thence south along the said meridian line between ranges 13 and 14, west of the 5th meridian to the north boundary of the 92nd townships; thence east along the said north boundary of the 92nd townships to the meridian line between ranges 24 and 25, west of the 4th meridian; thence south along the said meridian line between ranges 24 and 25, west of the 4th meridian to the north boundary of the 65th townships; thence east along the said north boundary of 65th townships to the meridian line between ranges 17 and 18, west of the 4th meridian; thence north along said meridian line between ranges 17 and 18, west of the 4th meridian to the north boundary of the 70th townships; thence east along the said north boundary of the 70th townships to the eastern boundary of the Province of Alberta; thence north along said eastern boundary of the Province of Alberta to the point of commencement.

GROUARD.—Commencing at the meridian line between ranges 24 and 25 west of the 4th meridian where it is intersected by the north boundary of the 92nd townships; thence west along the said north boundary of the 92nd townships to the meridian line between ranges 13 and 14, west of the 5th meridian; thence south along the said meridian line between ranges 13 and 14, west of the 5th meridian to the north boundary of the 80th townships; thence west along the said north boundary of the 80th townships to the meridian line between ranges 21 and 22, west of the 5th meridian; thence south along the said meridian line between ranges 21 and 22, west of the 5th meridian to the north boundary of the 70th townships; thence east along the said north boundary of the 70th townships to the meridian line between ranges 24 and 25, west of the 4th meridian; thence north along the said meridian line between ranges 24 and 25, west of the 4th meridian to the point of commencement.

PEACE RIVER.—Commencing at the meridian line between the 21st and 22nd ranges, west of the 5th meridian, where it is intersected by the north boundary of the 70th townships; thence northerly along the said meridian line between ranges 21 and 22, west of the 5th meridian to the north boundary of the 80th townships; thence east along the said north boundary of the 80th townships to the meridian line between ranges 13 and 14, west of the 5th meridian; thence north along the said meridian line between ranges 13 and 14, west of the 5th meridian to the north boundary of the Province of Alberta; thence west along the said north boundary of the Province of Alberta to the north-west corner thereof; thence south along the western boundary of the Province of Alberta to the north boundary of the 70th townships; thence east along the said north boundary of the 70th townships to the point of commencement.

CLEARWATER.—Commencing at the north-east corner of township 70, range 3, west of the 5th meridian; thence west along the north boundary of the 70th townships to the western boundary of the Province of Alberta; thence south along said western boundary of the Province of Alberta to the north boundary of the 60th townships; thence east along said north boundary of the 60th townships to the north-east corner of township 60, range 9, west of the 5th meridian; thence south along the eastern boundary of said township 60, range 9, west of the 5th meridian to the north boundary of the 59th townships; thence east along said north boundary of the 59th townships to the meridian line between ranges 2 and 3, west of the 5th meridian; thence north along said meridian line between ranges 2 and 3, west of the 5th meridian to the point of commencement.

PEMBINA.—Commencing at the north-east corner of township 70, range 25, west of the 4th meridian; thence west along the north boundary of the 70th townships to the meridian line between ranges 2 and 3, west of the 5th meridian; thence south on the said meridian line between ranges 2 and 3, west of the 5th meridian to the north-east corner of township 59, range 3, west of the 5th meridian; thence west on the north boundary of the 59th townships to the north-east corner of township 59, range 6, west of the 5th meridian; thence south on the meridian line between ranges 5 and 6, west of the 5th meridian to the north-east corner of township 56, range 6, west of the 5th meridian; thence east along the north boundary of the 56th townships to the meridian line between ranges 3 and 4, west of the 5th meridian;

thence south on the said meridian line between ranges 3 and 4, west of the 5th meridian to the north-east corner of township 55, range 4 west of the 5th meridian; thence east along the north boundary of the 55th townships to the north-east corner of township 55, range 1, west of the 5th meridian; thence north on the 5th meridian to the north-east corner of township 57, range 1, west of the 5th meridian; thence east along the north boundary of the 57th townships to the north-east corner of township 57, range 26, west of the 4th meridian; thence north on the east boundary of township 58, range 26, west of the 4th meridian to the north-east corner thereof; thence east along the north boundary of the 58th townships to the meridian line between ranges 24 and 25, west of the 4th meridian; thence north on the said meridian line between ranges 24 and 25, west of the 4th meridian to the point of commencement.

STURGEON.—Commencing at the north-east corner of township 65, range 18, west of the 4th meridian; thence west along the north boundary of the 65th townships to the line between ranges 24 and 25, west of the 4th meridian; thence south along the line between said ranges 24 and 25 to the north boundary of the 58th townships; thence east following the said north boundary of the 58th townships to the north-east corner of township 58, range 24, west of the 4th meridian; thence south along the east boundary of townships 58 and 57, range 24, west of the 4th meridian to the north-east corner of township 56, range 24, west of the 4th meridian; thence west along the said north boundary of township 56 to the range line between ranges 24 and 25, west of the 4th meridian; thence south along said range line to the northerly limits of the City of Edmonton; thence easterly and southerly following the said limits of the City of Edmonton to their intersection with the North Saskatchewan River; thence north-easterly following the said North Saskatchewan River down stream to its intersection with the line between ranges 17 and 18, west of the 4th meridian; thence north along the said range line between ranges 17 and 18 to the point of commencement; excepting thereout and therefrom all of the south-west quarter of section 19, township 53, range 24, west of the 4th meridian.

BEAVER RIVER.—Commencing at the north-east corner of township 70, range 9, west of the 4th meridian; thence west along the north boundary of the 70th townships to the meridian line between ranges 17 and 18, west of the 4th meridian; thence south along said meridian line between ranges 17 and 18, west of the 4th meridian to the north boundary of the 59th townships; thence east along the said north boundary of the 59th townships to the meridian line between ranges 12 and 13, west of the 4th meridian; thence south along said meridian line between ranges 12 and 13, west of the 4th meridian, produced through the Saddle Lake Indian Reserve to the intersection with the North Saskatchewan River; thence south and east down stream along the said North Saskatchewan River to the meridian line between ranges 9 and 10, west of the 4th meridian; thence north along said meridian line between ranges 9 and 10, west of the 4th meridian to the north-east corner of township 58, range 10, west of the 4th meridian; thence east along the north boundary of the 58th townships to the meridian line between ranges 8 and 9, west of the 4th meridian; thence north along said meridian line between ranges 8 and 9, west of the 4th meridian to the point of commencement.

ST. PAUL.—Commencing at the north-east corner of township 70, range 1, west of the 4th meridian; thence west along the north boundary of the 70th townships to the meridian line between ranges 8 and 9, west of the 4th meridian; thence south along said meridian line between ranges 8 and 9, west of the 4th meridian to the north boundary of the 58th townships; thence west along said north boundary of the 58th townships to the meridian line between ranges 9 and 10, west of the 4th meridian; thence south along the said meridian line between ranges 9 and 10 west of the 4th meridian to the North Saskatchewan River; thence east and south down stream along the said North Saskatchewan River to its intersection with the east boundary of the Province of Alberta; thence north along the said east boundary of the Province of Alberta to the point of commencement.

ALEXANDRA.—Commencing at the point of intersection of the North Saskatchewan River with the eastern boundary of the Province of Alberta in township 53; thence north-west up stream along said North Saskatchewan River to the point of intersection with the meridian line between ranges 5 and 6, west of the 4th meridian; thence south along the said meridian line between ranges 5 and 6, west of the 4th meridian to the point of intersection with the Battle River in township 47; thence easterly down stream along the said Battle River to the point of intersection with the eastern

boundary of the Province of Alberta; thence north along the said eastern boundary of the Province of Alberta to the point of commencement.

VERMILION.—Commencing at the point of intersection of the meridian line between ranges 5 and 6, west of the 4th meridian and the North Saskatchewan River; thence south and west up stream along the said North Saskatchewan River to the point of its intersection with the meridian line between ranges 11 and 12, west of the 4th meridian, thence south along said meridian line between ranges 11 and 12, west of the 4th meridian to the point of its intersection with the north boundary of the 48th townships; thence east along said north boundary of the 48th townships to the meridian line between ranges 10 and 11, west of the 4th meridian; thence south along said meridian line between ranges 10 and 11, west of the 4th meridian, to the north boundary of the 47th townships; thence east along said north boundary of the 47th townships to the meridian line, between ranges 5 and 6, west of the 4th meridian; thence north along said meridian line between ranges 5 and 6, west of the 4th meridian to the point of commencement.

VEGREVILLE.—Commencing at the north-east corner of township 53, range 12, west of the 4th meridian; thence west along the north boundary of the 53rd townships to the meridian line between ranges 15 and 16, west of the 4th meridian; thence north along said meridian line between ranges 15 and 16, west of the 4th meridian to the north-east corner of township 54, range 16, west of the 4th meridian; thence west along the north boundary of the 54th townships to the meridian line between ranges 19 and 20, west of the 4th meridian; thence south along said meridian line between ranges 19 and 20, west of the 4th meridian to the north boundary of the 48th townships; thence east along said north boundary of the 48th townships to the meridian line between ranges 11 and 12, west of the 4th meridian; thence north along said meridian line between ranges 11 and 12, west of the 4th meridian to the point of commencement.

WHITFORD.—Commencing at the north-east corner of township 59, range 13, west of the 4th meridian; thence west along the north boundary of the 59th townships to the point of intersection with the meridian line between ranges 17 and 18, west of the 4th meridian; thence south along said meridian line between ranges 17 and 18, west of the 4th meridian to the intersection with the North Saskatchewan River; thence east, north and south down stream along the said North Saskatchewan River to the point where it intersects the north boundary of the 57th townships in range 15, west of the 4th meridian; thence west along said north boundary of the 57th townships to the meridian line between ranges 15 and 16, west of the 4th meridian; thence south along said meridian line between ranges 15 and 16 west of the 4th meridian to the north boundary of the 53rd townships; thence east along said north boundary of the 53rd townships to the meridian line between ranges 11 and 12, west of the 4th meridian; thence north along said meridian line between ranges 11 and 12, west of the 4th meridian, to its intersection with the North Saskatchewan River; thence along the said North Saskatchewan River west and north, up stream, to its intersection with the meridian line between ranges 12 and 13, west of the 4th meridian; thence north along the said meridian line between ranges 12 and 13, west of the 4th meridian, produced through the Saddle Lake Indian Reserve to the point of commencement.

VICTORIA.—Commencing at the intersection of the North Saskatchewan River with the north boundary of township 57, range 15, west of the 4th meridian; thence northerly, westerly and southerly up stream along the said North Saskatchewan River to its intersection with the northerly boundary of the 53rd townships; thence east along the said north boundary of the 53rd townships to the meridian between the 19th and 20th ranges, west of the 4th meridian; thence northerly along the said meridian between the 19th and 20th ranges, west of the 4th meridian to the north-east corner of township 54, range 20, west of the 4th meridian; thence easterly along the northerly boundary of the 54th townships to the meridian between ranges 15 and 16, west of the 4th meridian; thence north along the said meridian between ranges 15 and 16, west of the 4th meridian to the north-east corner of township 57, range 16, west of the 4th meridian; thence east along the northerly boundary of the 57th township to the point of commencement.

EDMONTON.—All that portion of the City of Edmonton lying north of the North Saskatchewan River together with all of the south-west quarter of section 19, township 53, range 24, west of the 4th meridian.

SOUTH EDMONTON.—All that portion of the City of Edmonton lying south of the North Saskatchewan River, within the corporate limits of the said City of Edmonton, and commencing at the north-east corner of town-

ship 53, range 20, west of the 4th meridian; thence west along the north boundary of the 53rd townships to the point of its intersection with the North Saskatchewan River in range 23, west of the 4th meridian; thence south-west up stream along said North Saskatchewan River to its intersection with the north boundary of the 50th townships; thence east along the said north boundary of the 50th townships to the meridian line between ranges 19 and 20, west of the 4th meridian; thence north along said meridian line between ranges 19 and 20, west of the 4th meridian to the point of commencement.

ST. ALBERT.—Commencing at the north-east corner of township 58, range 24, west of the 4th meridian; thence west along the said north boundary of the 58th townships to the north-east corner of township 58, range 26, west of the 4th meridian; thence south along the east boundary of said township 58, range 26, to the north-east corner of township 57, range 26, west of the 4th meridian; thence west along the north boundary of the 57th township to the 5th meridian; thence south along the 5th meridian to the north-east corner of township 53, range 1, west of the 5th meridian; thence east along the north boundary of the 53rd townships to the west boundary of Indian Reserve Chief Michel Calahoo; thence south along said west boundary of Indian Reserve Chief Michel Calahoo to the south-west corner thereof; thence easterly along the south boundary of said Indian Reserve Chief Michel Calahoo to the south-east corner thereof; thence in an easterly direction and along the southern limit of lots "I", "H", "G", "F", and "E" in the St. Albert settlement to the south-west corner of lot "D" in the said settlement; thence along the westerly and southerly shores of Big Lake in a westerly, southerly and easterly direction to the rear line of lot 55 in the said St. Albert settlement; thence in an easterly direction and along the rear line of lots fronting on the east side of the Sturgeon River in the said St. Albert settlement to the north boundary of the 53rd township; thence easterly along the north boundary of the 53rd township to the north-east corner of township 53, range 25, west of the 4th meridian; thence north along the line between ranges 24 and 25 west of the 4th meridian to the north-east corner of township 56, range 25, west of the 4th meridian; thence east along the north boundary of the 56th township to the north-east corner of township 56, range 24, west of the 4th meridian; thence north along the easterly boundaries of townships 57 and 58, range 24 west of the 4th meridian to the point of commencement.

LAC STE. ANNE.—Commencing at the north-east corner of township 59, range 6, west of the 5th meridian; thence west along the north boundary of the 59th townships to the north-east corner of township 59, range 9, west of the 5th meridian; thence north on the meridian line between ranges 8 and 9, west of the 5th meridian to the north boundary of the 60th townships; thence west along the said north boundary of the 60th townships to the north-east corner of township 60, range 14, west of the 5th meridian; thence south along the meridian line between ranges 13 and 14, west of the 5th meridian to the north-east corner of township 57, range 14, west of the 5th meridian; thence east along the north boundary of the 57th townships to the north-east corner of township 57, range 12, west of the 5th meridian; thence south on the meridian line between ranges 11 and 12, west of the 5th meridian, to the north boundary of the 52nd townships; thence east along said north boundary of the 52nd townships to the meridian line between ranges 3 and 4, west of the 5th meridian; thence north along the said meridian line between ranges 3 and 4, west of the 5th meridian to the north boundary of the 53rd townships; thence east along the said north boundary of the 53rd townships to the meridian line between ranges 2 and 3, west of the 5th meridian; thence north along said meridian line between ranges 2 and 3, west of the 5th meridian to the north boundary of the sections forming the south half of the 54th townships; thence east along the said north boundary of the sections forming the south half of the 54th townships to the 5th meridian; thence north along said 5th meridian to the north boundary of the 55th townships; thence west along the said north boundary of the 55th townships to the meridian line between ranges 3 and 4, west of the 5th meridian; thence north on said meridian line between ranges 3 and 4, west of the 5th meridian to the north boundary of the 56th townships; thence west along the said north boundary of the 56th townships to the meridian line between ranges 5 and 6, west of the 5th meridian; thence north on the said meridian line between ranges 5 and 6, west of the 5th meridian to the point of commencement.

STONY PLAIN.—Commencing at the intersection of the westerly limit of the City of Edmonton, with the North Saskatchewan River; thence

westerly up stream along the said North Saskatchewan River to the meridian line between ranges 8 and 9, west of the 5th meridian; thence north along said meridian line between ranges 8 and 9, west of the 5th meridian to the north boundary of the 52nd townships; thence east along said north boundary of the 52nd townships to the meridian line between the 3rd and 4th ranges, west of the 5th meridian; thence north along said meridian line between ranges 3 and 4, west of the 5th meridian to the north-east corner of township 53, range 4, west of the 5th meridian; thence east along the northern boundary of 53 townships to the north-east corner of township 53, range 3, west of the 5th meridian; thence north along the east boundary of township 54, range 3, west of the 5th meridian, to the north-east corner of section 13, in the said township 54, range 3, west of the 5th meridian; thence east along the section line dividing the north and south halves of the 54th townships to the 5th meridian; thence south along the 5th meridian to the north-east corner of township 53, range 1, west of the 5th meridian; thence east along the north boundary of the 53rd township to the west boundary of Indian Reserve Chief Michel Calahoo; thence south along the west boundary of said Indian Reserve Chief Michel Calahoo to the south-west corner thereof; thence east along the south boundary of the said Indian Reserve Chief Michel Calahoo to the south-east corner thereof; thence in an easterly direction along the south limit of lots "I", "H", "G", "F" and "E", in the St. Albert settlement to the south-west corner of lot "D" in the said settlement; thence along the west and south shores of Big Lake in a west, south and east direction to the rear line of lot 55 in the said St. Albert settlement; thence in an easterly direction and along the rear of lots fronting on the east side of the Sturgeon River in the said St. Albert settlement to the north boundary of the 53rd township; thence east along the north boundary of the 53rd township of the north-east corner of township 53, range 25, west of the 4th meridian; thence south along the east boundary of said township 53, range 25, west of the 4th meridian, to the north limits of the City of Edmonton; thence west and south following the said limits of the City of Edmonton to the point of commencement.

EDSON.—Commencing at the north-east corner of township 57, range 12, west of the 5th meridian; thence west along the north boundary of the 57th townships to the north-east corner of township 57, range 14, west of the 5th meridian; thence north along the meridian line between ranges 13 and 14, west of the 5th meridian to the north boundary of the 60th townships; thence west along the north boundary of the 60th townships to the western boundary of the Province of Alberta; thence generally south along the said western boundary of the Province of Alberta to the north boundary of the 31st townships in range 19, west of the 5th meridian; thence east along the said north boundary of the 31st townships to the north-east corner of township 31, range 8, west of the 5th meridian; thence north along the meridian line between ranges 7 and 8, west of the 5th meridian to the north boundary of the 34th townships; thence west along the said north boundary of the 34th townships to the meridian line between ranges 9 and 10, west of the 5th meridian; thence north along the said meridian line between ranges 9 and 10, west of the 5th meridian to the north boundary of the 40th townships; thence east along the North Saskatchewan River; thence generally east and north-west down stream along the said North Saskatchewan River to its intersection with the meridian line between ranges 8 and 9, west of the 5th meridian, in township 47; thence north along the said meridian line between ranges 8 and 9, west of the 5th meridian to the north boundary of the 52nd townships; thence west along the north boundary of the 52nd townships to the north-east corner of township 52, range 12, west of the 5th meridian; thence north on the meridian line between ranges 11 and 12, west of the 5th meridian to the point of commencement.

LEDUC.—Commencing at the north-east corner of township 50, range 22, west of the 4th meridian; thence west along the northerly boundary of the 50th townships to the North Saskatchewan River; thence westerly and southerly up stream along the said North Saskatchewan River to the northerly boundary of the sections forming the southerly five-sixths of the 47th townships; thence east following the northerly boundary of the sections forming the southerly five-sixths of the 47th townships to the shores of Bittern Lake; thence northerly and easterly and southerly following the shores of Bittern Lake to the meridian between ranges 21 and 22, west of the 4th meridian; thence north along the meridian between said ranges 21 and 22 west of the 4th meridian to the point of commencement.

WETASKIWIN.—Commencing at the intersection of the west shore of Bittern Lake with the northerly boundary of the sections forming the southerly

five-sixths of township 47, range 22, west of the 4th meridian; thence west along the northerly boundary of the sections forming the southerly five-sixths of the 47th township to the North Saskatchewan River; thence south-westerly up stream along the North Saskatchewan River to the northerly boundary of the 44th townships; thence east along the north boundary of the 44th townships to the north-east corner of section 32, township 44, range 23, west of the 4th meridian; thence south on the line between sections 32 and 33, township 44, range 23, west of the 4th meridian to the Battle River; thence up the said river in a southerly direction to the north boundary of township 43, range 23, west of the 4th meridian; thence east along the north boundary of the 43rd townships to the north-east corner of township 43, range 22, west of the 4th meridian; thence north along the meridian between ranges 21 and 22, west of the 4th meridian, to the shores of Bittern Lake; thence easterly and northerly following the easterly shores of Bittern Lake to the point of commencement.

PONOKA.—Commencing at the north-east corner of township 43, range 22, west of the 4th meridian, thence westerly along the north boundary of the 43rd townships to the Battle River in range 23; thence northerly down the said river to the line between sections 32 and 33, township 44, range 23, west of the 4th meridian; thence northerly on the said line to the north-east corner of section 32, township 44, range 23, west of the 4th meridian; thence west along the northerly boundary of the 44th townships to the North Saskatchewan River; thence southerly up stream along the said North Saskatchewan River to the northerly boundary of the 41st township; thence east along the northerly boundary of the 41st township to the meridian between ranges 21 and 22, west of the 4th meridian; thence north along the said meridian between ranges 21 and 22, west of the 4th meridian to the point of commencement.

CAMROSE.—Commencing at the north-east corner of township 50, range 20, west of the 4th meridian; thence west along the northerly boundary of the 50th townships to the north-east corner of township 50, range 22, west of the 4th meridian; thence south along the meridian between ranges 21 and 22 to the north-east corner of township 41, range 22, west of the 4th meridian; thence east along the northerly boundary of the 41st townships to the intersection with the Battle River on the northerly boundary of township 41, range 17, west of the 4th meridian; thence south-easterly down stream along the said Battle River to the meridian between ranges 15 and 16, west of the 4th meridian; thence north along the said meridian line between ranges 15 and 16 to the north-east corner of township 48, range 16, west of the 4th meridian; thence west along the northerly boundary of the 48th townships to the north-east corner of township 48, range 20, west of the 4th meridian; thence north along the meridian line between ranges 19 and 20, west of the 4th meridian to the point of commencement.

SEDGEWICK.—Commencing at the north-east corner of township 48, range 11, west of the 4th meridian; thence west along the north boundary of the 48th townships to the meridian line between ranges 15 and 16, west of the 4th meridian; thence south along said meridian line between ranges 15 and 16, west of the 4th meridian to the point of its intersection with the Battle River; thence south-east down stream along said Battle River to the point of its intersection with the meridian line between ranges 10 and 11, west of the 4th meridian; thence north along said meridian line between ranges 10 and 11, west of the 4th meridian to the point of commencement.

WAINWRIGHT.—Commencing at the intersection of the Battle River and the eastern boundary of the Province of Alberta in township 45; thence westerly up stream along Battle River to the point of its intersection with the meridian line between ranges 5 and 6, west of the 4th meridian; thence north along said meridian line between ranges 5 and 6, west of the 4th meridian to the north-east corner of township 47, range 6, west of the 4th meridian; thence west along the north boundary of the 47th townships to the north-east corner of township 47, range 11, west of the 4th meridian; thence south along the meridian line between ranges 10 and 11, west of the 4th meridian, to the north-east corner of township 44, range 11, west of the 4th meridian; thence east along the north boundary of the 44th townships to the north-east corner of township 44, range 8, west of the 4th meridian; thence south along the meridian line between ranges 7 and 8, west of the 4th meridian to the north boundary of township 42, range 8, west of the 4th meridian; thence east along the north boundary of the 42nd townships to the north-east corner of township 42, range 6, west of the 4th meridian; thence south along the meridian line between ranges 5 and 6, west of the 4th meridian, to the north-east corner of township 40, range 6, west of the 4th meridian;

thence east along the north boundary of the 40th townships to the east boundary of the Province of Alberta; thence north along said east boundary of the Province of Alberta to the point of commencement.

RIBSTONE.—Commencing at the north-east corner of township 40 range 1, west of the 4th meridian; thence west along the north boundary of the 40th townships to the north-east corner of township 40, range 6, west of the 4th meridian; thence north along the meridian line between ranges 5 and 6, west of the 4th meridian to the north-east corner of township 42, range 6, west of the 4th meridian; thence west along the north boundary of the 42nd townships to the line between ranges 7 and 8, west of the 4th meridian; thence north along the meridian line between ranges 7 and 8, west of the 4th meridian to the north-east corner of township 44, range 8, west of the 4th meridian; thence west along the north boundary of the 44th townships to the north-east corner of township 44, range 11, west of the 4th meridian; thence south along meridian line between ranges 10 and 11, west of the 4th meridian to the north boundary of township 38, range 11, west of the 4th meridian; thence east along the north boundary of the 38th townships to the north-east corner of township 38, range 8, west of the 4th meridian; thence south along the meridian line between ranges 7 and 8, west of the 4th meridian, to the north-east corner of township 36, range 8, west of the 4th meridian; thence east along the north boundary of the 36th townships to the eastern boundary of the Province of Alberta; thence north along said east boundary of the Province of Alberta to the point of commencement.

CORONATION.—Commencing at the north-east corner of township 36, range 1, west of the 4th meridian; thence west along the north boundary of the 36th townships to the meridian line between ranges 7 and 8, west of the 4th meridian; thence north along the said meridian line between ranges 7 and 8, west of the 4th meridian, to the north-east corner of township 38, range 8, west of the 4th meridian; thence west along the north boundary of the 38th townships to the meridian line between ranges 10 and 11, west of the 4th meridian; thence north along the said meridian line between ranges 10 and 11, west of the 4th meridian, to the point of intersection with the Battle River; thence westerly up stream along the said Battle River to the intersection of meridian line between ranges 13 and 14, west of the 4th meridian; thence south along said meridian line between ranges 13 and 14, west of the 4th meridian, to the south-west corner of township 33, range 13, west of the 4th meridian; thence east along the southern boundary of the 33rd townships to the meridian line between ranges 10 and 11, west of the 4th meridian; thence south along said meridian line, between ranges 10 and 11, west of the 4th meridian, to the south-west corner of township 32, range 10, west of the 4th meridian; thence east along the southerly boundary of the 32nd townships to the meridian line between ranges 6 and 7, west of the 4th meridian; thence south along said meridian line between ranges 6 and 7, west of the 4th meridian, to the south-west corner of township 31, range 6, west of the 4th meridian; thence east along the south boundary of the 31st townships to the intersection with the eastern boundary of the Province of Alberta; thence north along said eastern boundary of the Province of Alberta to the point of commencement.

SETTLER.—Commencing at the point of intersection of the meridian line between ranges 13 and 14, west of the 4th meridian and the Battle River; thence north-westerly upstream along said Battle River to the northerly boundary of the 41st townships; thence west along the northerly boundary of the 41st townships to the north-east corner of township 41, range 20, west of the 4th meridian; thence south along the meridian line between ranges 19 and 20, to the north-east corner of section 13, township 41, range 20, west of the 4th meridian; thence west along north boundary of said section 13, township 41, range 20, west of the 4th meridian, to the shores of Buffalo Lake; thence following the south and east shores of said Buffalo Lake to the point where Tail Creek flows out of the said Lake; thence southerly down Tail Creek to the Red Deer River; thence southerly down said Red Deer River to the northerly boundary of the 33rd townships; thence east along the said northerly boundary of the 33rd townships to the meridian line between ranges 13 and 14, west of the 4th meridian; thence north along said meridian line between ranges 13 and 14, west of the 4th meridian to the point of commencement.

LACOMBE.—Commencing at the north-east corner of township 41, range 20, west of the 4th meridian; thence west along the northerly boundary of the 41st townships to the North Saskatchewan River; thence southerly up stream following the said North Saskatchewan River to the northerly

boundary of the 39th township; thence east along the said northerly boundary of the 39th townships to the Blind Man River in range 1, west of the 5th meridian; thence south-easterly following the said Blind Man River down stream to the Red Deer River; thence along the said Red Deer River down stream to the place where Tail Creek empties into the Red Deer River; thence up Tail Creek in a north-easterly direction to the south shore of Buffalo Lake; thence north-easterly along the southerly and easterly shores of Buffalo Lake to the intersection of the said shores of Buffalo Lake at its most easterly point with the north boundary of section 13, township 41, range 20, west of the 4th meridian; thence east along the north boundary of said section 13, township 41, range 20, west of the 4th meridian to the easterly boundary of said township 41; thence north along the easterly boundary of said township 41, range 20, west of the 4th meridian to the point of commencement.

RED DEER.—Commencing at the intersection of the Red Deer River with north boundary of township 36, range 22, west of the 4th meridian; thence north up stream along said Red Deer River to the Blind Man River; thence along the said Blind Man River up stream to the north boundary of the 39th townships; thence west along the said north boundary of the 39th townships to the North Saskatchewan River; thence south and west upstream along the said North Saskatchewan River to the meridian line between ranges 9 and 10, west of the 5th meridian; thence south along said meridian line between ranges 9 and 10, west of the 5th meridian to the north boundary of the sections forming the south two-thirds of the 37th townships; thence east along the north boundary of the sections forming the south two-thirds of the 37th townships to the Red Deer River; thence along the Red Deer River up stream to the north boundary of the 36th township, range 28, west of the 4th meridian; thence east along the north boundary of the 36th townships to the point of commencement.

INNISFAIR.—Commencing at the intersection of the Red Deer River with the north boundary of township 36, range 22, west of the 4th meridian; thence west along the north boundary of the 36th townships to the intersection with the Red Deer River in the 28th range, west of the 4th meridian; thence down stream along the Red Deer River to the north boundary of section 22 in the 37th township, range 28, west of the 4th meridian; thence west along the section line which forms the north boundary of the sections comprising the south two-thirds of townships 37 to its intersection with the meridian line between ranges 9 and 10, west of the 5th meridian; thence south along said meridian line between ranges 9 and 10, west of the 5th meridian, to its intersection with the north boundary of the 34th townships; thence east along the said north boundary of the 34th townships to the intersection with the Red Deer River in the 21st range, west of the 4th meridian; thence north up stream along the said Red Deer River to the point of commencement.

OLDS.—Commencing at the intersection of the Red Deer River with the north limit of township 34, range 21, west of the 4th meridian; thence west along the north boundary of the 34th townships to the north-east corner of township 34, range 8, west of the 5th meridian; thence south along the meridian line between ranges 7 and 8, west of the 5th meridian to the north-east corner of township 31, range 8, west of the 5th meridian; thence east along the north boundary of the 31st townships to the intersection with the Red Deer River in range 6, west of the 5th meridian; thence following the Red Deer River down stream to the north boundary of township 32, range 5, west of the 5th meridian; thence east along the north boundary of the 32nd townships to the north-east corner of township 32, range 3, west of the 5th meridian; thence south along the east boundary of township 32, range 3, west of the 5th meridian to the north-east corner of township 31, range 3, west of the 5th meridian; thence east along the north boundary of the 31st townships to the Red Deer River in range 21, west of the 4th meridian; thence north up stream along said Red Deer River to the point of commencement.

DIDSBURY.—Commencing at the intersection of the Red Deer River with the northerly boundary of the 31st township in the 21st range, west of the 4th meridian; thence west along the northerly boundary of the said 31st townships to the north-east corner of township 31, range 3, west of the 5th meridian; thence north along the east boundary of township 32, range 3, west of the 5th meridian to the north-east corner thereof; thence west along the north boundary of the 32nd townships to the Red Deer River in the 5th range, west of the 5th meridian; thence along the said Red Deer River up stream to the meridian line between ranges 6 and 7, west of the

5th meridian; thence south along the said meridian line between ranges 6 and 7, to the north boundary of township 30, range 7, west of the 5th meridian; thence east along the north boundary of the 30th townships to the north-east corner of township 30, range 4, west of the 5th meridian; thence south along the east boundary of township 30, range 4, west of the 5th meridian to the north-east corner of township 29, range 4, west of the 5th meridian; thence east along the north boundary of township 29, range 3, west of the 5th meridian to the north-east corner thereof; thence south along the east boundary of township 29, range 3, west of the 5th meridian to the north-east corner of township 28, range 3, west of the 5th meridian; thence east along the north boundary of the 28th townships to the intersection with the Red Deer River in the 19th range, west of the 4th meridian; thence northerly up stream along the said Red Deer River to the point of commencement.

HAND HILLS.—Commencing at the north-east corner of township 32, range 11, west of the 4th meridian; thence west along the north boundary of the 32nd townships to the north-east corner of township 32, range 14, west of the 4th meridian; thence north along east boundary of township 33, range 14, west of the 4th meridian, to the north-east corner of township 33, range 14, west of the 4th meridian; thence west along the north boundary of the 33rd townships to the point of its intersection with the Red Deer River; thence south-easterly down stream along the Red Deer River to the point of its intersection with the meridian line between ranges 10 and 11, west of the 4th meridian; thence north along said meridian line between ranges 10 and 11, west of the 4th meridian to the point of commencement.

ACADIA.—Commencing at the north-east corner of township 30, range 1, west of the 4th meridian; thence west along the north boundary of the 30th townships to the line between ranges 6 and 7, west of the 4th meridian; thence north along the east boundary of township 31, range 7, west of the 4th meridian, to the north-east corner of said township 31, range 7, west of the 4th meridian; thence west along the north boundary of the 31st townships to the north-east corner of township 31, range 11, west of the 4th meridian; thence south along the meridian line between ranges 10 and 11, west of the 4th meridian, to the point of its intersection with the Red Deer River; thence generally easterly along said Red Deer River, down stream, to the eastern boundary of the Province of Alberta; thence north along said eastern boundary of the Province of Alberta to the point of commencement.

REDCLIFF.—Commencing at the point of intersection of the Red Deer River with the east boundary of the Province of Alberta; thence generally west up stream along the said Red Deer River to the point of its intersection with the line between ranges 11 and 12, west of the 4th meridian; thence southerly along said line between ranges 11 and 12 to the north boundary of the 13th townships; thence westerly along the said north boundary of the 13th townships to the Bow River; thence southerly down stream along the Bow River to its junction with the South Saskatchewan River; thence easterly down stream along the South Saskatchewan River to the point of its intersection with the north boundary of township 12, range 6, west of the 4th meridian; thence east along said north boundary of township 12, range 6, west of the 4th meridian to the south-east corner of section 3, township 13, range 6, west of the 4th meridian; thence north between sections 2 and 3 in said township 13, range 6, west of the 4th meridian to the north-east corner of said section 3; thence east along the north boundary of sections 2 and 1, township 13, range 6, and sections 6 and 5, township 13, range 5 to the South Saskatchewan River; thence southerly up stream along the said South Saskatchewan River to the north boundary of the 12th townships; thence east along the said north boundary of the 12th townships to the east boundary of the Province of Alberta; thence north along the said east boundary of the Province of Alberta to the point of commencement.

BOW VALLEY.—Commencing at the intersection of the north boundary of the 28th townships and the Red Deer River in range 19, west of the 4th meridian; thence west along the north boundary of the 28th townships to the meridian line between ranges 21 and 22, west of the 4th meridian; thence south along said meridian line between ranges 21 and 22, west of the 4th meridian to north boundary of the 18th townships; thence east along the said north boundary of the 18th townships to the north-east corner of township 18, range 20, west of the 4th meridian; thence south along the east boundary of said township 18, range 20, west of the 4th meridian to the south-east corner thereof; thence east along the north boundary of the 17th townships to the point of its intersection with the Bow River; thence south-east down stream along said Bow River to the point of its most easterly

intersection with the north boundary of the 13th townships; thence east along said north boundary of the 13th townships to the meridian line between ranges 11 and 12, west of the 4th meridian; thence north on the said meridian line between ranges 11 and 12, west of the 4th meridian to the point of its intersection with the Red Deer River in the 21st township; thence generally north-west up stream along the said Red Deer River to the point of commencement.

GLEICHEN.—Commencing at the north-east corner of township 28, range 22, west of the 4th meridian; thence west along the north boundary of the 28th townships to the north-east corner of township 28, range 28, west of the 4th meridian; thence south along the meridian line between ranges 27 and 28, west of the 4th meridian to the north boundary of township 26, range 28, west of the 4th meridian; thence west along said north boundary of township 26, range 28, west of the 4th meridian to the north-east corner of township 26, range 29, west of the 4th meridian; thence south along the meridian line between ranges 28 and 29, west of the 4th meridian to the north boundary of the 22nd townships; thence west along the said north boundary of the 22nd townships to the point of its intersection with the Bow River; thence south-east down stream along the said Bow River to the point of its intersection with the meridian line between ranges 24 and 25, west of the 4th meridian; thence south along the said meridian line between ranges 24 and 25, west of the 4th meridian to the north boundary of the 19th townships; thence east along the said north boundary of the 19th townships to the north-east corner of township 19, range 24, west of the 4th meridian; thence south along the east boundary of said township 19, range 24, west of the 4th meridian to the south-east corner thereof; thence east along the north boundary of the 18th townships to the meridian line between ranges 21 and 22, west of the 4th meridian; thence north along the said meridian line between ranges 21 and 22, west of the 4th meridian to the point of commencement.

COCHRANE.—Commencing at the north-east corner of township 28, range 28, west of the 4th meridian; thence west along the north boundary of the 28th townships to the north-east corner of township 28, range 3, west of the 5th meridian; thence north along east boundary of township 29, range 3, west of the 5th meridian to the north-east corner of said township 29, range 3, west of the 5th meridian; thence west along south boundary of township 30, range 3, west of the 5th meridian, to the north-east corner of township 29, range 4, west of the 5th meridian; thence north along east boundary of township 30, range 4, west of the 5th meridian, to the north-east corner of said township 30, range 4, west of the 5th meridian; thence west along the north boundary of the 30th townships to the line between ranges 6 and 7, west of the 5th meridian; thence north along east boundary of township 31, range 7, west of the 5th meridian, to the north-east corner of said township 31, range 7, west of the 5th meridian; thence west along the north boundary of the 31st townships to the north-east corner of township 31, range 8, west of the 5th meridian; thence south along the meridian line between ranges 7 and 8, west of the 5th meridian to the north-east corner of township 23, range 8, west of the 5th meridian; thence east along the north boundary of the 23rd townships to the south-east corner of township 24, range 4, west of the 5th meridian; thence north along east boundary of township 24, range 4, west of the 5th meridian to the north-east corner of said township 24, range 4, west of the 5th meridian; thence east along the north boundary of township 24, range 3, west of the 5th meridian, to the north-east corner of said township 24, range 3, west of the 5th meridian; thence north along the meridian line between ranges 2 and 3, west of the 5th meridian, to the north-east corner of township 26, range 3, west of the 5th meridian; thence east along the north boundary of the 26th townships to the meridian line between ranges 27 and 28, west of the 4th meridian; thence north along said meridian line between ranges 27 and 28, west of the 4th meridian to the point of commencement.

NORTH CALGARY.—All that portion of the City of Calgary as follows:

Commencing at the north-east corner of the city limits of the City of Calgary; thence west along the north boundary of the said city limits of the City of Calgary to the north-west corner thereof; thence south along the west boundary of the city limits of the City of Calgary to the point of its intersection with the centre line of the Bow River; thence generally east and south along the said centre line of the Bow River to the point of its intersection with the north boundary of the 23rd townships, being the south boundary of the city limits of the City of Calgary; thence east along said

south boundary of city limits of the City of Calgary to the south-east corner thereof, thence north along the eastern boundary of the city limits of the City of Calgary to the point of commencement, and,

Commencing at the north-east corner of township 26, range 29, west of the 4th meridian; thence west along the north boundary of the 26th townships to the meridian line between ranges 2 and 3, west of the 5th meridian; thence south along the said meridian line between ranges 2 and 3, west of the 5th meridian, to the point of its intersection with the Bow River; thence generally south-east along the said Bow River to the western boundary of the city limits of the City of Calgary; thence north, east and south following the said city limits of the City of Calgary, to the point of its intersection with the north boundary of the 23rd townships; thence east along the said north boundary of the 23rd townships to the meridian line between ranges 28 and 29, west of the 4th meridian; thence north along the said meridian line between ranges 28 and 29, west of the 4th meridian, to the point of commencement.

SOUTH CALGARY.—All that portion of the City of Calgary, as follows.—Commencing at the point of the intersection of the western boundary of the city limits of the City of Calgary, and the centre line of the main line of the Canadian Pacific Railway; thence generally east and south along said centre line of the main line of the Canadian Pacific Railway to the point of its intersection with the centre line of the Bow River in the south-east quarter of section 1, township 24, range 1, west of the 5th meridian; thence south-west along the said centre line of the Bow River to the point of its intersection with the south boundary of the city limits of the City of Calgary; thence west along the said south boundary of the city limits of the City of Calgary to the south-west corner thereof; thence north along the west boundary of the city limits of the City of Calgary to the point of commencement, and,

Commencing at the north-east corner of township 23, range 29 west of the 4th meridian; thence west along the north boundary of the 23rd townships to the point of its intersection with the west boundary of the city limits of the City of Calgary; thence north along the said west boundary of the city limits of the City of Calgary to the point of its intersection with the Bow River; thence generally northwest along the centre line of the said Bow River to its intersection with the meridian line between ranges 2 and 3, west of the 5th meridian; thence south along the said meridian line between ranges 2 and 3, west of the 5th meridian, to the north boundary of the 24th townships; thence west along the north boundary of the 24th townships to the meridian line between ranges 3 and 4, west of the 5th meridian; thence south along said meridian line between ranges 3 and 4, west of the 5th meridian, to the north boundary of the 23rd townships; thence east along the said north boundary of the 23rd townships to the meridian line between ranges 1 and 2, west of the 5th meridian; thence south along said meridian line between ranges 1 and 2, west of the 5th meridian, to the point of its intersection with the north boundary of section 30, township 23, range 1, west of the 5th meridian; thence east along the north boundary of sections 30, 29, 28, 27, and 26, township 23, range 1, west of the 5th meridian, to the point of its intersection with the Bow River; thence generally south along said Bow River to the north boundary of the 22nd townships; thence east along said north boundary of the 22nd townships to the meridian line between ranges 28 and 29, west of the 4th meridian; thence north along said meridian line between ranges 28 and 29, west of the 4th meridian to the point of commencement.

CENTRE CALGARY.—Commencing at the intersection of the meridian line between ranges 1 and 2, west of the 5th meridian, being the western boundary of the city limits of the City of Calgary, and the centre line of the main line of the Canadian Pacific Railway; thence generally east and south-east along the said main line of the Canadian Pacific Railway to the point of its intersection with the centre line of the Bow River in the south-east quarter of section 1, township 24, range 1, west of the 5th meridian; thence generally north and west along the said centre line of the Bow River to the point of its intersection with the meridian line between ranges 1 and 2, west of the 5th meridian, being the western boundary of the city limits of the City of Calgary; thence south along said western boundary of the city limits of the City of Calgary, to the point of commencement.

OKOTOXS.—Commencing at the intersection of the meridian line between ranges 24 and 25, west of the 4th meridian and the Bow River; thence westerly up stream along Bow River to the point of its intersection with the south boundary of section 36, township 23, range 1, west of the 5th meridian; thence

west along the south boundary of sections 36, 35, 34, 33, 32 and 31, in township 23, range 1, west of the 5th meridian, to the south-west corner of section 31, township 23, range 1, west of the 5th meridian; thence north along meridian line between ranges 1 and 2, west of the 5th meridian, to the north boundary of the 23rd townships; thence west along said north boundary of the 23rd townships to the north-east corner of township 23, range 5, west of the 5th meridian; thence south along meridian line between ranges 4 and 5, west of the 5th meridian, to the north-east corner of township 19, range 5, west of the 5th meridian; thence east along north boundary of the 19th townships to the north-east corner of township 19, range 25, west of the 4th meridian; thence north along meridian line between ranges 24 and 25, west of the 4th meridian to the point of commencement.

ROCKY MOUNTAIN.—Commencing at the north-east corner of township 31, range 8, west of the 5th meridian; thence west along the north boundary of the 31st townships to the western boundary of the Province of Alberta; thence south-east along said western boundary of the Province of Alberta, to its intersection with the meridian line between ranges 1 and 2, west of the 5th meridian, in township 2; thence north along said meridian line between ranges 1 and 2, west of the 5th meridian, to the north-east corner of township 9, range 2, west of the 5th meridian; thence west along the north boundary of township 9, range 2, west of the 5th meridian, to the north-west corner thereof; thence north along the meridian line between ranges 2 and 3, west of the 5th meridian, to the north-east corner of township 11, range 3, west of the 5th meridian; thence west along the north boundary of township 11, range 3, west of the 5th meridian, to the north-west corner thereof; thence north on the meridian line between ranges 3 and 4, west of the 5th meridian, to the north-east corner of township 16, range 4, west of the 5th meridian; thence west along the north boundary of township 16, range 4, west of the 5th meridian, to the north-west corner thereof; thence north along the meridian line between ranges 4 and 5, west of the 5th meridian, to the north-east corner of township 23, range 5, west of the 5th meridian; thence west along the north boundary of the 23rd townships to the north-east corner of township 23, range 8, west of the 5th meridian; thence north along the meridian line between ranges 7 and 8, west of the 5th meridian, produced across the Stony Indian Reserve to the point of commencement.

HIGH RIVER.—Commencing at the north-east corner of township 19, range 24, west of the 4th meridian; thence west along the north boundary of the 19th townships to the meridian line between ranges 4 and 5, west of the 5th meridian; thence south along said meridian line between ranges 4 and 5, west of the 5th meridian to the north boundary of the 16th townships; thence east along the said north boundary of the 16th townships to the meridian line between ranges 24 and 25, west of the 4th meridian; thence north along said meridian line between ranges 24 and 25, west of the 4th meridian, to the north boundary of the 18th townships; thence east along the said north boundary of the 18th townships to the meridian line between ranges 23 and 24, west of the 4th meridian; thence north on the said meridian line between ranges 23 and 24, west of the 4th meridian, to the point of commencement.

NANTON.—All of townships 14, 15 and 16, west from the meridian line between ranges 24 and 25, west of the 4th meridian, to the meridian line between ranges 3 and 4, west of the 5th meridian.

CLARESHOLM.—Consisting of townships 9 to 13 both inclusive in range 1, townships 10 to 13 both inclusive in range 2, townships 12 and 13 in range 3, all west of the 5th meridian; townships 9 to 13 both inclusive in ranges 28 to 30 both inclusive, townships 10 to 13 both inclusive in ranges 26 and 27, and that portion of township 10 in range 25, lying to the north and west of the Old Man River; all of township 11 in range 25, the west halves of townships 12 and 13 in range 25, all west of the 4th meridian.

LITTLE BOW.—Townships 16 and 17 in range 19, townships 16 to 18 both inclusive in range 20, townships 11 to 18 both inclusive in ranges 21 to 24 both inclusive, the east halves of townships 12 and 13 in range 25, all west of the 4th meridian.

LETHBRIDGE CITY.—The City of Lethbridge and commencing at the north-east corner of section 33, township 10, range 21, west of the 4th meridian; thence westerly along the northern boundary of the 10th townships to the north-east corner of township 10, range 23, west of the 4th meridian; thence south along meridian line between ranges 22 and 23, west of the 4th meridian to the Belly River; thence south-east down stream along Belly River to the point of its junction with the St. Mary's River; thence southerly

up stream along St. Mary's River to the north boundary of the 7th townships; thence east along the said north boundary of the 7th townships to the eastern boundary of section 4, township 8, range 21, west of the 4th meridian; thence north along the eastern boundary of sections 4, 9, 16, 21, 28 and 33, in township 8, range 21, west of the 4th meridian, and the eastern boundary of sections 4, 9, 16, 21, 28 and 33, in township 9, range 21, west of the 4th meridian, and the eastern boundary of sections 4, 9, 16, 21, 28 and 33, in township 10, range 21, west of the 4th meridian to the point of commencement.

TABER.—Commencing at the intersection of the meridian line between ranges 10 and 11, west of the 4th meridian, and the South Saskatchewan River; thence west up stream along the said South Saskatchewan River to the junction of the Bow and Belly Rivers; thence north-west up stream along the Bow River to the point of its intersection with the north boundary of the 17th townships; thence west along the north boundary of the 17th townships to the north-east corner of township 17, range 19, west of the 4th meridian; thence south along the meridian line between ranges 18 and 19, west of the 4th meridian, to the north boundary of the 15th townships; thence west along the said north boundary of the 15th townships to the north-east corner of township 15, range 21, west of the 4th meridian; thence south along the meridian line between ranges 20 and 21, west of the 4th meridian, to the south-east corner of township 11, range 21, west of the 4th meridian; thence west along the north boundary of township 10, range 21, west of the 4th meridian, to the north-east corner of section 33, township 10, range 21, west of the 4th meridian; thence south along the east boundary of sections 33, 28, 21, 16, 9 and 4, in township 10, range 21, west of the 4th meridian, and the east boundary of sections 33, 28, 21, 16, 9 and 4, in township 9, range 21, west of the 4th meridian, and the east boundary of sections 33, 28, 21, 16, 9 and 4, in township 8, range 21, west of the 4th meridian, to the north boundary of township 7, range 21, west of the 4th meridian; thence west along the north boundary of the 7th townships to the St. Mary's River; thence south and south-west up stream along the said St. Mary's River to the point of its intersection with the north boundary of the 5th townships; thence east along said north boundary of the 5th townships to the north-east corner of township 5, range 19, west of the 4th meridian; thence north along meridian line between ranges 18 and 19, west of the 4th meridian to the north-east corner of township 6, range 19, west of the 4th meridian; thence east along the north boundary of the 6th townships to the line between ranges 10 and 11, west of the 4th meridian; thence north along the meridian line between ranges 10 and 11, west of the 4th meridian, to the point of commencement.

MEDICINE HAT.—Commencing at the intersection of the north boundary of the 12th townships with the east boundary of the Province of Alberta; thence south along said east boundary of the Province to the International Boundary; thence west along the International Boundary to the line between ranges 10 and 11, west of the 4th meridian; thence north along the line between ranges 10 and 11, west of the 4th meridian to the South Saskatchewan River; thence easterly, following the South Saskatchewan River down stream to its intersection with the north boundary of township 12, range 6, west of the 4th meridian; thence east along said north boundary of township 12, range 6, west of the 4th meridian to the south-east corner of section 3, township 13, range 6, west of the 4th meridian; thence north between sections 2 and 3 in said township 13, range 6, west of the 4th meridian to the north-east corner of said section 3; thence east along the north boundaries of sections 2 and 1, township 13, range 6, and sections 6 and 5, township 13, range 5 to the South Saskatchewan River; thence southerly up stream along the said South Saskatchewan River to the north boundary of the 12th townships; thence east along the said north boundary of the 12th townships to the point of commencement, including the City of Medicine Hat.

WARNER.—All of townships 1, 2, 3, 4, 5, and 6, west from the meridian line, between ranges 10 and 11, west of the 4th meridian, to the meridian line between ranges 18 and 19, west of the 4th meridian.

MACLEOD.—Commencing at the north-east corner of township 10, range 23, west of the 4th meridian; thence west along the north boundary of the 10th townships to the north-east corner of township 10, range 25, west of the 4th meridian; thence south along the meridian line between ranges 24 and 25, west of the 4th meridian, to the Old Man River; thence south up stream along the said Old Man River to the point of its intersection with the north boundary of township 9, range 25, west of the 4th meridian;

thence west along the north boundary of the 9th townships to the north-east corner of township 9, range 28, west of the 4th meridian; thence south along the meridian line between ranges 27 and 28, and its production across the Peigan Indian Reserve, west of the 4th meridian, to the north-east corner of township 5, range 28, west of the 4th meridian; thence east along the north boundary of the 5th townships produced across the Blood Indian Reserve, to the point of its intersection with the St. Mary's River; thence generally north-east and north-west along the said St. Mary's River to its junction with the Belly River; thence north-west up stream along said Belly River to its intersection with the west boundary of the north-west quarter of section 18, township 9, range 22, west of the 4th meridian; thence north along the meridian line between ranges 22 and 23, west of the 4th meridian to the point of commencement.

CARDSTON.—Commencing at the north-east corner of township 5, range 19, west of the 4th meridian; thence west along the north boundary of the 5th townships, produced across the Blood Indian Reserve to meet the meridian line between ranges 27 and 28, west of the 4th meridian; thence south along said meridian line between ranges 27 and 28, west of the 4th meridian, to the Waterton River; thence generally south-west up stream along said Waterton River to Waterton Lake; thence following the east shore of said Waterton Lake to the point of its intersection with the International Boundary; thence east along said International Boundary to the point of its intersection with the meridian line between ranges 18 and 19, west of the 4th meridian; thence north along said meridian line between ranges 18 and 19, west of the 4th meridian, to the point of commencement.

PINCHER CREEK.—Commencing at the point of intersection of the meridian line between ranges 27 and 28, west of the 4th meridian, and the north boundary of the Peigan Indian Reserve; thence west along the said north boundary of the Peigan Indian Reserve and the north boundary of 8th townships to the meridian line between ranges 1 and 2, west of the 5th meridian; thence south along said meridian line between ranges 1 and 2, west of the 5th meridian, to its intersection with the western boundary of the Province of Alberta in township 2; thence south-east along the said western boundary of the Province of Alberta to the International Boundary; thence east along the International Boundary to the east shore of Waterton Lake; thence north following the east shore of Waterton Lake to the Waterton River; thence north-east down stream along the said Waterton River to the point of its intersection with the meridian line between ranges 27 and 28, west of the 4th meridian; thence north along said meridian line between ranges 27 and 28, west of the 4th meridian, produced across the Peigan Indian Reserve to the point of commencement.

SCHEDULE 2.

FORM A.—(Section 39.)

OATH OF WITNESS.

The evidence you shall give on this examination shall be the truth, the whole truth and nothing but the truth. So help you God.

FORM B.—(Section 39.)

AFFIRMATION OF WITNESS.

You do solemnly, sincerely and truly affirm and declare that the evidence you shall give on this examination shall be the truth, the whole truth, and nothing but the truth.

FORM C.—(Section 25.)

DECLARATION OF RESIGNATION.

Province of Alberta } Legislative Assembly
To Wit: } of Alberta

To.....

I,....., member of the Legislative Assembly of Alberta, for the Electoral District of....., do hereby resign my seat in the said Legislative

Assembly of Alberta for the constituency aforesaid.

Given under my hand and seal at.....
this.....day of.....19....
Witnesses:

FORM D.—(Section 26.)

WARRANT FOR ISSUE OF NEW WRIT OF ELECTION.

Province of Alberta } Legislative Assembly
To Wit: } of Alberta.

To the Clerk of the Executive Council
of Alberta:

These are to require you to make out a new writ for the election of a member to serve in this present Legislative Assembly of Alberta for the Electoral District of.....in the room of.....who since the election for the said electoral district hath resigned as member for the said electoral district.

Given under.....hand and seal.....
at.....this.....day of.....in
the year of our Lord one thousand nine
hundred and.....

1909

CHAPTER 3.

An Act Respecting Elections of Members of the Legislative Assembly.

(Assented to February 25, 1909.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

Short title 1. This Act shall be cited as "*The Alberta Election Act.*"

INTERPRETATION.

Interpretation 2. In this Act—
Assembly or Legislative Assembly 1. "Assembly" or "Legislative Assembly" means the Legislative Assembly of Alberta;
Candidate 2. "Candidate at an election" and "candidate" means and includes a person elected to serve in the Assembly and a person who is nominated as a candidate at an election or is declared by himself or by others to be a candidate on or after the day of the issue of the writ for such election or after the dissolution of the Assembly or the occurrence of a vacancy in consequence of which the writ has been issued;
Corrupt practice 3. "Corrupt practices" and "corrupt practice" mean and include bribery and acts or an act declared to be corrupt practices or a corrupt practice by this or any other Act of the Legislature of Alberta or recognized as such by the common law of Parliament;
Court and judge 4. The expression "court" means the District Court of the judicial district within which the electoral division is wholly or mainly situated and "judge" means the judge of the said court;
Election 5. "Election" means an election of a member to serve in the Legislative Assembly of Alberta;
Election Court 6. "Election court" means a court constituted under *The Controverted Elections Act* for the trial of a petition;
Election officers 7. "Election officers" means the returning officer, the election clerk and any deputy returning officers and poll clerks appointed for an election;
Election petition 8. "Election petition" means a petition presented in pursuance of *The Controverted Elections Act*;
Elector 9. "Elector" or "voter" means any person entitled to vote at an election under the provisions of this Act;
Electoral division 10. "Electoral division" means a place or territorial area in Alberta entitled to return a member to serve in the Legislative Assembly of Alberta;
Form 11. "Form" means a form in the schedule to this Act;
Indian 12. "Indian" means and includes all persons of Indian blood who belong or are reputed to belong to any band or irregular

band of Indians; and the words "band" and "irregular band" as used in this clause shall have the meaning given to them respectively by *The Indian Act of Canada*;

13. "Member" means a member of the Legislative Assembly; Member

14. "Official agent" means the agent appointed by a candidate Official agent under Section 292 of this Act;

15. "Poll book" means the book containing the names of Poll book persons who have received ballots or have applied for ballots at an election of a member of the Legislative Assembly;

16. "Polling day" means the day fixed for voting at an election; Polling day

17. "Polling subdivision" means that portion of an electoral Polling subdivision division within which a poll is held;

18. "Polling place" means the place where votes are recorded Polling place at an election;

19. "Registration," "registered" and all words of similar Registration, registered, etc. import include proceedings taken by a registrar or deputy registrar in compiling a list of voters pursuant to the provisions of this Act;

20. "Voting" or "to vote" means voting or to vote at the Voting, to vote election of a member to serve in the Legislative Assembly of Alberta;

21. "Voters' list" or "list of voters" includes any list made Voters' list and revised under the provisions of this Act of persons entitled to vote at an election;

22. "Writ" means the document addressed by the clerk of Writ the Executive Council to the returning officer requiring the holding of an election;

23. "Disputed ballot" shall mean a ballot objected to and Disputed ballot dealt with under provisions of section 177 of this Act;

24. "City constituency" means any of the electoral divisions of Edmonton, Calgary or Lethbridge City, as set forth in schedule 1 to chapter 2 of the Statutes of Alberta, 1909, being *An Act respecting the Legislative Assembly of Alberta*. 1911-12, c. 4, s. 33.

3. Whenever in this Act any expressions are used requiring As to provision requiring presence of agent or authorizing any act to be done in the presence of agents of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend and as have in fact attended at the time and place where such act or thing is being done.

IRREGULARITIES IN CONDUCT OF ELECTION.

4. No election shall be declared invalid by reason of—

- (a) Any irregularity on the part of the returning officer or in any of the proceedings preliminary to the poll; or
- (b) A failure to hold poll at any place appointed for holding a poll; or
- (c) Noncompliance with the provisions of this Act as to the taking of the poll or the counting of the votes or as to limitations of time; or
- (d) Any mistake in the use of the forms contained in the schedule hereto; or
- (e) Any irregularity in connection with the holding of the inquiry provided for by section 177 of this Act;

Election not to be void in certain cases for want of compliance with directions of Act where result not affected

if it is shown to the satisfaction of the tribunal having cognizance of the question that the election was conducted in accordance

with the principles laid down in this Act and that such irregularity, failure, noncompliance or mistake did not materially affect the result of the election.

OATHS AND AFFIDAVITS.

Who may
take oaths

5. Except where otherwise provided any oath or affidavit for the purposes of this Act may be sworn before a justice of the peace, a commissioner for oaths or a notary public.

Oaths, who to
administer

(2) Each registrar and deputy registrar shall have power to administer any oath or affidavit required by this Act with respect to the making and revising of lists of voters and each returning officer shall have power to administer any oath or affidavit required by this Act with respect to any election and each deputy returning officer and poll clerk may administer any oath or affidavit required by this Act with respect to any election except such as is required to be administered to the returning officer.

No charge for
administering
oaths, etc.

(3) Every person before whom it is herein provided that an oath or affidavit may be taken shall administer the same gratuitously.

AGENTS.

Certain persons
disqualified
from acting,
as agents

6. A person who by section 10 is disqualified and incompetent to vote or who within eight years has been found guilty by a competent tribunal of corrupt practices shall not act as agent for a candidate at an election; and any person violating this enactment shall incur the same penalty as if he had voted at the election.

Penalty

Candidates
may undertake
duties of
agents

7. A candidate may himself undertake the duties which any agent of his (except his official agent) might have undertaken if appointed or may assist his agent in the performance of such duties and may be present at any place at which his agent may in pursuance of this Act attend except at the marking of a ballot under section 174.

Expressions
referring
to agents

Nonattendance
of agents

8. Where in this Act expressions are used requiring or authorizing any act to be done in the presence of the agents of the candidates, the nonattendance of any agent shall not invalidate the act done.

QUALIFICATION OF CANDIDATE.

Who may be
candidates

9. Any male person of the full age of twenty-one years and a British subject by birth or naturalization resident in Alberta who is not disqualified by an act of the present session known as *The Legislative Assembly Act*, or by any other act, shall be qualified to be a candidate.

QUALIFICATION OF VOTERS.

Who shall not vote.

Who shall
not vote

10. The following persons shall be disqualified and incompetent to be registered as voters and to vote:

1. The judges of the Supreme Court and of the District Courts:

2. Persons disqualified from voting under the provisions of this or any other act relating to corrupt practices;

3. Any person who at any time during the period fixed by the proclamation of the Lieutenant Governor in Council for the preparation or revision of the list of voters or on the polling day at any election is a prisoner in gaol or prison undergoing punishment for a criminal offence or is a patient in a lunatic asylum;

4. Indians.

Who may vote.

11. Except as in this Act otherwise provided every male ^{Who may vote} person shall be qualified to be registered as a voter and to vote at the election of a member under this Act who is a British subject of the full age of twenty-one years and has resided in Alberta for at least twelve months and in the electoral division where he seeks to vote for at least three months immediately preceding the date of the closing of the registration of voters under the provisions of this Act.

(2) Any person otherwise qualified who is at the said date a resident of such electoral division and who has been a resident in Alberta for one year immediately prior to the said date but who has not been a resident of such electoral division for three months immediately prior to said date shall be entitled to be registered as a voter for the electoral division of and within which he was last a resident for three months during said period of one year:

Provided however that any person if otherwise qualified becoming a naturalized British subject or attaining the full age of twenty-one years at any time up to and inclusive of the last day fixed in an electoral division for the revision of the lists of voters shall be entitled to be registered as a voter.

(3) Each person shall be entitled to be registered or placed on the list of voters for the polling subdivision in which he resides or in which he last resided in cases under subsection (2) hereof and in no other.

RULES AS TO RESIDENCE OF VOTERS.

12. For the purposes of registration of voters under this Act the place of residence of any person shall be governed by the following rules as they shall be applicable: ^{Rules as to place of residence}

1. The residence of a person shall be the place in which his ^{Fixed} habitation is fixed and to which whenever he is absent therefrom he has the intention of returning; ^{habitation}

2. A person shall not lose his residence who leaves his home for temporary purposes; ^{Temporary absence}

3. If a person departs from Alberta with the intension of making his residence elsewhere he loses his residence in Alberta; ^{Intention to change residence}

4. The place where a man's family resides shall be deemed to be his place of residence but any man who takes up or continues his abode with the intention of remaining at a place other than where his family resides shall be deemed to be resident where he so resides; ^{Residence apart from family}

5. The residence of a single man shall be where he usually sleeps; ^{Of an unmarried man}

Only one
residence

6. A change of residence can be made only by the act of removal joined with the intention to remain permanently in another place. There can be only one residence;

7. No person while he remains in Alberta shall be deemed to have lost his residence until he has gained another.

13. A list of voters of the several electoral divisions of Alberta shall be made and revised at the times and in the manner hereinafter provided.

LIST OF VOTERS.

14. Lists of voters shall hereafter be made and revised at such times as is hereinafter provided:

(a) and (b). (*Repealed* 1911-12, c. 4, s. 33 (2).)

(c) Whenever it has been determined to make and revise a new list of electors in one or more electoral districts The Lieutenant Governor in Council shall—

Appointment
of registrars

1. Appoint proper persons to act as registrars in and for the several electoral divisions of the province;

Appointment
of revising
officer

2. Appoint a District Court judge to be a revising officer for each electoral division at the court of revision for such electoral division. 1911-12, c. 4, s. 33.

Annual
proclamation

15. The Lieutenant Governor in Council shall at the same time authorize the issue of a proclamation (form 1) setting forth—

1. That it has been determined to make and revise lists of voters for each electoral division;

2. The names and post office addresses of the persons appointed to act as registrars of the several electoral divisions;

3. Whenever it has been so determined that in the case of polling subdivisions not included in city constituencies, cities and towns each deputy registrar shall compile a list of voters by process of enumeration subject to final revision by the court of revision and that no personal application for registration will be necessary;

4. The days, not less than ten nor more than fifteen in number, on and the hours between which each deputy registrar shall sit for the purpose of receiving applications for the registration of voters;

5. The date being the fifth day after the close of the registration sittings upon or before which each deputy registrar shall post up the list of voters as required by sections 44 and 49 of this Act.

(2) The date to be fixed for the commencement of registration under clause 4 hereof shall be not less than 4 days after the date of the proclamation.

Clerk of the
Executive
Council to
notify of
appointment

16. The clerk of the Executive Council shall forthwith send to each registrar and each revising officer so appointed notification (forms 2 and 3) of his appointment.

And to
publish
proclamation

17. The clerk of the Executive Council shall forthwith after the issuing of the proclamation hereinbefore provided publish the same in *The Alberta Gazette* and cause to be published a notice containing the information required by clauses 1, 3, 4 and 5 of section 15 to be given in every newspaper published in the province.

BOOKS AND FORMS.

18. The clerk of the Executive Council shall at the time of giving official notice to such registrar of his appointment or as soon thereafter as possible provide and furnish each registrar appointed for each electoral division as aforesaid with such a number of copies of the last revised list of voters, if any, for such electoral division certified under his hand as shall be sufficient for the purposes of the annual making and revising of such list together with a sufficient number of books for the use of the several deputy registrars appointed by him for the several polling subdivisions of the electoral division; such book shall be known as the "register" (form 4).

A suitable register to be supplied to each registrar

19. The clerk of the Executive Council shall also at the same time provide and furnish each registrar for the use of himself and his deputies with a sufficient number of the interrogatories book containing such number of forms of the interrogatories (forms 5, 6 and 7) and statutory declaration as may be necessary and also such other forms and other books, stationery, writing material and appliances as may be necessary for the proper registration of voters and for the other purposes of this Act.

Other forms, books, etc., to be supplied

20. The government printer shall on the requisition of the clerk of the Executive Council from time to time cause to be prepared and be procured such books, forms and other requisites as may be necessary for the proper registration of voters and the performance of the duties of a registrar or deputy registrar in every respect as required under this Act; the books and forms referred to shall as far as practicable be prepared in accordance with the forms given therefor in the schedule to this Act.

Duties of the government printer

REGISTRARS AND THEIR DUTIES.

21. Each registrar appointed under this Act shall be a person possessed of the qualifications entitling him to be registered as a voter in the electoral division of which he has been appointed registrar.

Qualifications of registrar

22. Each registrar shall forthwith after receiving notice of his appointment—

Duties of registrar

1. Take and subscribe the oath of office (form 8);

2. Divide the electoral division into polling subdivisions for the purposes of registration and polling of voters at an election having regard as far as practicable to the number of persons capable of being registered as voters:

Provided, however, that each polling subdivision shall contain if possible not more than two hundred voters and shall be distinguished by a name and by a number commencing with the number "1"; polling subdivisions not included within the limits of a city or town shall be first consecutively numbered and after them polling subdivisions included within the limits of a city or town:

Provided further that except in the case of city constituencies no polling subdivision shall be so situated as to be partly within and partly without the limits of any city or town;

Proviso

3. Appoint by commission under his hand (form 9) such number of proper and competent persons to act as deputy registrars for the electoral division and shall allot to each such deputy certain polling subdivisions within which he shall act:

Provided that except in the case of city constituencies not more than two such deputies shall be appointed for each city or town and no deputy appointed for a city or town shall act in any polling subdivision situated without the limits of such city or town;

4. Determine the place or places at which each deputy registrar shall sit for the purpose set forth in subsection (4) of section 15 of this Act.

Registrar
to act as
deputy
registrar

(2) The registrar in making such allotment of polling subdivisions may reserve any number of polling subdivisions not exceeding three within which he shall himself act in the capacity of and perform all the duties by this Act imposed upon a deputy registrar and shall in the performance of such duties have the same powers and be subject to the same penalties as a deputy registrar under this Act.

(3) Clause 2 of subsection (1) hereof shall apply only to the registrars appointed under section 14 hereof for the making and revising of the lists of voters under this Act; and until otherwise provided by law the polling subdivisions so established in the several electoral divisions shall be and remain the polling subdivisions of the said electoral divisions for the purposes of the making and revising of voters' lists and of elections.

23. Each registrar shall forthwith after complying with the requirements of the next preceding section—

Notice of
registration
sittings

1. Insert in a newspaper published in the electoral division of which he is registrar or if there be no newspaper which has a circulation therein in a newspaper which has a circulation therein in two consecutive issues of such newspaper a notice (form 10);

2. Cause to be printed in poster form headed in large letters "Registration of Voters" a number of copies of such notice sufficient for the purpose of posting up one of such poster notices outside and inside each of the places or buildings at or in which applications for registration of voters will be received under this Act and also in the places required by section 27 of this Act;

3. Cause to be printed in poster form a number of copies sufficient for the purpose of posting up in the manner set forth in the next preceding clause of the notice (form 11) setting forth at length sections 10 to 12 both inclusive of this Act stating the qualifications to be possessed by persons in order to entitle them to be registered as voters;

4. Transmit by parcel post, registered or deliver personally to each deputy registrar appointed by him a number of copies of both of such notices sufficient for the purpose of posting as aforesaid together with such a number of copies of the last revised list of voters, if any, for each polling subdivision of the electoral division for which he is deputy registrar certified by the clerk of the Executive Council as shall be sufficient for the purposes of posting up the same in accordance with the provisions of section 27;

5. Transmit by registered post to the clerk of the Executive Council three copies of each of such poster notices.

24. In the event of a registrar refusing or neglecting to perform the duties of his office or becoming incapacitated either by death, illness, absence or otherwise the Lieutenant Governor in Council shall appoint another person to act as registrar in the stead of the person so refusing or neglecting or becoming incapacitated as aforesaid. Neglect of registrar

25. Each deputy registrar appointed under this Act shall forthwith and before performing any act or duty as such deputy registrar take and subscribe the oath of office (form 12). Oath of office

26. In the event of a deputy registrar refusing or neglecting to perform the duties of his office or becoming incapacitated either by death, illness, absence or otherwise the registrar of the electoral division for which such deputy was so appointed shall appoint another person to act as deputy registrar in the place of the person so refusing or neglecting or becoming incapacitated as aforesaid. Vacancy in office

27. Every deputy registrar shall forthwith after receiving notice of his appointment and the poster notices (forms 10 and 11) and complying in other respects with the provisions of this Act post up or cause to be posted up in each polling subdivision to which his appointment is applicable one copy of the poster notices (forms 10 and 11) hereinbefore referred to and one copy of the last revised list of voters, if any, for such polling subdivision in each post office and on each school house and in at least two conspicuous places in such polling subdivision; and such poster notices shall be posted at least ten days prior to the date fixed for the commencement of the registration sittings in any electoral division. Deputy registrar to post up notice

REGISTRATION SITTINGS.

28. Each deputy registrar shall for the purpose of the registration of voters provide suitable and convenient places properly lighted and heated; and in no case shall any such place be a building or part of any building wherein intoxicating liquors are sold. Registration sittings

29. Such place shall be within one of the polling subdivisions for which the deputy registrar is appointed to act and shall be in as central a location as is conveniently possible having regard to all the polling subdivisions for which he is so appointed:

Provided, however, that whenever the greater convenience of voters would be suited thereby the place for holding registration sittings for a polling subdivision not included within the limits of a city or town may instead of being in such polling subdivision be in an adjoining city or town:

Provided further that in case from any cause it is impossible to use any place appointed for the registration of voters another suitable place shall be procured by the deputy registrar and such notice as is practicable shall be given of the change.

Procedure
at sittings

30. The deputy registrar shall attend and sit for the purpose of receiving applications for registration of voters at the place hereinbefore mentioned every day except Sunday during the period provided for the registration of voters from nine o'clock in the forenoon until nine o'clock in the afternoon with intermissions from half past twelve to two o'clock and from six o'clock to half past seven o'clock, and shall before receiving any applications for registration post up inside and outside of the place where the registration sittings are held copies of poster notices (forms 10 and 11) and of the last revised list of voters hereinbefore referred to, if any, and shall take all reasonable precautions to direct the attention of all applicants to the same.

Sittings for
registration of
working men

31. The time from half past seven o'clock until nine o'clock in the afternoon shall as far as possible be set apart for the registration of working men.

PERSONS ENTITLED TO BE PRESENT AT REGISTRATION SITTINGS.

Persons
entitled to be
present at
registration
sittings

32. The following persons shall be entitled to be present at sittings for the registration of voters under the provisions of this Act:

Who may be
present at
sittings

1. The member of Parliament and the member of the Legislative Assembly within whose constituency any one of the polling subdivisions for which the sittings are held or any part thereof was situated at the last Dominion or provincial election respectively;

2. The unsuccessful candidate or candidates for such constituency at the said last Dominion and provincial election;

3. One agent of each of said members or candidates to be appointed in writing over the signature of the said member or candidate;

4. Any of the members of the council of any municipality within which any one of the said polling subdivisions is wholly or partly situated;

5. Any number of spectators not exceeding six at the one time in addition to the persons before mentioned and the officers in attendance;

6. An interpreter or interpreters when necessary who shall be sworn by the deputy registrar.

METHOD OF REGISTRATION.

Registration

33. Registration under this Act shall be applicable only to those persons whose names are not contained in the last revised list of voters, if any.

Procedure at
registration
sittings

(2) When a person claiming to be entitled to be registered as a voter applies for registration the deputy registrar shall proceed as follows:

Administering
interrogatories

1. He shall administer to the applicant the interrogatories contained in form 5 filling in said form from the answers given by the applicant and shall also cause the applicant to take and subscribe the statutory declaration contained in said form 5:

Proviso

Provided that it shall be the duty of the deputy registrar in case an applicant is in error as to the polling subdivision in

which he should be registered to take all reasonable steps to Directing
direct such applicant to the deputy registrar to whom such applicant
application should properly be made; in error

2. He shall ascertain from such applicant and enter in the Entering
particulars
register (form 4) the following particulars:

- (a) The polling subdivision within which such applicant is residing or for which he claims to be entitled to be registered under the provisions of subsection (2) of section 11 of this Act at the time of the application;
- (b) His full name;
- (c) His place of residence;
- (d) His occupation;

3. He shall put to the applicant any questions which may Applicant to
be interrogated
only through
medium of
deputy
registrar
be asked concerning the applicant's right to registration by any of the persons mentioned in clauses 1, 2, 3 and 4 of section 32 of this act:

Provided that no such person shall be permitted to question the applicant except through the deputy registrar as hereinbefore provided and no such question shall be put unless in the opinion of the deputy registrar it is relevant and material;

4. If it appears to the deputy registrar from the answers Result of
application
to be declared
given by the applicant to the interrogatories in form 5 and to any questions that may be put to him as hereinbefore provided and from any other evidence that may be produced that the applicant is entitled to be registered the deputy registrar shall announce that the application is granted and write opposite the applicant's name in the register the word "allowed"; but if it appears to such deputy registrar that such applicant is not entitled to be registered he shall announce that the application is refused and shall write in such place in the register the word "disallowed"; and such decision of the deputy registrar shall be final subject to appeal as herein provided.

(3) Any registrar or deputy registrar qualified to be registered Deputy
registrars
may vote
and to vote in any polling subdivision for which he is acting may be registered in said polling subdivision upon signing and declaring the interrogatories in form 5 in the presence of a justice of the peace, notary public or commissioner for oaths.

34. If an applicant for registration refuses to answer any of Refusal
to answer
interrogatories
the interrogatories or to take or subscribe the statutory declaration contained in form 5 the deputy registrar shall mark such applicant "disallowed" and shall enter a note of such refusal in the remarks column of the register opposite such applicant's name.

35. If any applicant is refused registration under the provisions Appeal to
revising
officer from
decision of
deputy
registrar
of the next two preceding sections he may have the decision of the deputy registrar reviewed by the revising officer appointed to revise the list of voters for the polling subdivision at the time or times appointed for the revision of the said list as herein-after provided; and in all such cases the deputy registrar shall give to the said applicant a certificate (form 13); but notwithstanding the provisions of this section the said applicant may be entered on the list under the provisions of section 59 hereof.

Registration
of absent and
sick persons

36. If any person who claims to be entitled to be registered as a voter is unable to attend the registration sittings during the dates on which the same are held or any of them by reason either—

- (a) Of sickness or other disability; or
- (b) That he is necessarily temporarily and unavoidably *bona fide* absent from the electoral division in which he claims to be entitled to be registered as a voter in the prosecution of his business, calling or of his occupation or by reason of other good and sufficient cause which shall be established to the satisfaction of the deputy registrar;

a notice (form 14 or 15) signed by such person or on his behalf by some person to whom he is well known and having a personal knowledge of the facts may be given to the deputy registrar acting for the polling subdivision in which such person claims to be entitled to be registered as a voter accompanied by complete and satisfactory answers to the interrogatories (forms 6 and 7) verified or substantiated by statutory declaration duly subscribed before a registrar or deputy registrar, a notary public, justice of the peace or commissioner for oaths.

(2) The person making such application on behalf of another person shall appear before and be subject to examination by the deputy registrar as provided in the case of applicants under section 33 hereof.

Entries
in register

37. The deputy registrar shall enter the said name with particulars in the register and if satisfied that such applicant is entitled to be registered as a voter shall announce that the application is granted and shall enter the word "allowed" opposite such applicant's name; otherwise he shall announce that the application is refused and shall write the word "disallowed" opposite such applicant's name; in either case he shall note in the remarks column that such application was made under the provisions of the next preceding section; all such rejected applications shall be severally dealt with by the deputy registrar as set forth in section 35 of this Act.

Who may
object

38. The registration of the name of any person applying to be registered as a voter may be objected to by any of the persons named in clauses 1, 2, 3, and 4 of section 32 of this Act and if the objection is overruled by the deputy registrar a note of such objection shall be recorded in the remarks column of the register.

Checking
entries

39. At the expiration of each day of registration the deputy registrar shall in the presence of those entitled to be present read over in an audible voice and check the names of all the applicants entered that day in the register with all the particulars set opposite each name and may correct any mistake or error discovered in the register intalling all such corrections.

Procedure to
be followed
at end of
each day's
sitting

40. After the completion of the checking and reading of names herein provided for the deputy registrar shall write in the said register on the line next following the last names entered therein the words "end of sitting" giving the day of the month and

the year of sitting, shall sign his name thereto and shall permit any of the persons mentioned in clauses 1, 2, 3 and 4 of section 32 who may desire to write their initials thereto.

41. Except as above provided no person except the deputy registrar shall write or be permitted to write upon or in any way meddle with the register or 'interrogatories' book and the deputy registrar shall keep the same in his custody and control until he transmits the same to the registrar 'as hereinafter provided.

Only the deputy registrar to make entries in books or to have custody of them

42. In case by reasons of interruptions or other emergency a sitting of the deputy registrar is not commenced on the proper day or is interrupted after being commenced and before the closing thereof the deputy registrar shall resume registration on the following day and so on from day to day within the hours hereinbefore limited until the registration sittings have been opened and kept open without interruption and with free access thereto for persons desiring to be registered for the full number of days provided by this Act; the times limited for the registration of voters shall be directory only and any mistake or miscarriage in respect thereto shall not invalidate the list of voters.

Continuation of sittings if necessary

43. Every deputy registrar shall during the days of sittings for the registration of voters under the provisions of this Act be a conservator of the peace and be clothed with the same powers as a justice of the peace in this province and may appoint if necessary special constables for the maintenance of order and for the arrest and detention of persons guilty of personation of others or of attempting to personate others for the purpose of registration or who impede or improperly interrupt the proceedings of registration or create a disturbance and also may if necessary forcibly remove or direct the forcible removal of any person from the place wherein the registration is taking place; the deputy registrar and the constables appointed by him under the provisions of this section shall have full power to act in the premises without taking any oath.

Deputy registrar to have powers of a justice of the peace
Appointment of special constables

POSTING LIST OF APPLICATIONS.

44. The deputy registrar shall with reasonable expedition and despatch and in any event within five days after the closing of the registration—

Proceedings after close of registration sittings

1. Prepare in writing a full, complete and true list certified under his hand (form 16) for each polling subdivision for which he is acting showing the names alphabetically arranged according to the surname of all persons whose names appear in the last revised list of voters and also of all persons who have been registered and allowed by him as voters in each such polling subdivision;

Certified lists

2. Post a certified copy of such list in a conspicuous place in the city hall, town hall or other building or place used for the meetings of the council of the municipality and in at least two conspicuous places in the polling subdivision to which such list refers; such list shall remain so posted up until and inclusive of the fifteenth day after the closing of the registration.

Posting up of copies

Obtaining
copies

45. The deputy registrar shall keep the original list which shall be accessible to all persons applying to see the same and any such person may if he so desires take extracts therefrom.

Posting
notice of
sittings of
court of
revision

(2) It shall be the duty of the deputy registrar when so posting up copies of the lists also to attach to each of them a notice (form 17) showing the date and place for sittings of the court of revision to revise the list for the said polling subdivision as fixed by the revising officer under the provisions of section 58.

PREPARATION OF LISTS OF VOTERS IN POLLING SUBDIVISIONS NOT INCLUDED IN CITY CONSTITUENCIES, CITIES AND TOWNS.

Preparations
of voters' lists
in polling
subdivisions
not included
in city
constituencies
and towns

46. In the case of polling subdivisions not included within the limits of city constituencies, cities and towns the Lieutenant Governor in Council may declare that sections 46 to 50 both inclusive of this Act shall apply to the making and revision of such lists of voters and that sections 27 to 45 both inclusive of this Act shall not apply and in such case sections 46 to 50 both inclusive of this Act shall apply to the making and revision of such lists of voters and sections 27 to 45 both inclusive of this Act shall not apply.

(2) In such case the last revised voters' list shall be of no force or effect but the registrar shall proceed as though such last revised voters' list had not been made.

Posting up
notices and
copies of lists

47. Every deputy registrar shall forthwith after receiving notice of his appointment and the poster notices (forms 10 and 11) and complying in other respects with the provisions of this Act post up or cause to be posted up in each polling subdivision to which his appointment is applicable one copy of the poster notices (forms 10 and 11) hereinbefore referred to in each post office and in at least two conspicuous places in such polling subdivision:

Provided that when there are one or more public or separate school houses in any polling subdivision such notice shall also be posted on each such school house.

Deputy to
compile list
of voters

48. After posting up the notices referred to in the next preceding section the deputy registrar shall by visiting every house or other dwelling place in each of the polling subdivisions for which he is appointed and by careful personal inquiry compile a list (form 18) of the names (arranged in alphabetical order of each surname), residence, occupations and post office addresses of all persons qualified to be registered as voters in each polling subdivision.

Posting
copies of
list of voters

49. The deputy registrar shall on or before the date fixed by the proclamation provided for in section 15 of this Act for posting up of the list make and post up a copy of such list, certified under his hand in each post office and in at least two conspicuous places within the polling subdivision; such list shall remain so posted up until and inclusive of the fifteenth day after the close of the registration.

(2) A copy of the list shall also be posted up on each school house in such polling subdivision.

(3) Each deputy registrar shall also attach to each copy posted up by him a notice (form 17) showing the date and place for holding the sittings of the court of revision to revise the said list for the said polling subdivision as fixed by the revising officer under the provisions of section 58.

Notice of
sittings of
court of
revision

50. In the performance of his duties every deputy registrar shall have power and is hereby required whenever necessary to demand and receive such information from any registrar of births, deaths and marriages or any constable or peace officer or any person in the public service or any mayor, reeve, clerk, secretary, or other officer of any municipality or local improvement district, or any other person whomsoever as may enable him to identify any person or to ascertain the residence of any person or to ascertain whether any person is dead or has left his polling subdivision or is under any disability or is qualified or disqualified as a voter; and any person who on being required to give any such information does not give all information in his power shall be liable on summary conviction to a fine not exceeding \$100 and costs and not less than \$10 and costs.

Deputy
registrar's
powers of
getting
information

(2) The deputy registrar shall also have power when necessary to employ an interpreter or interpreters whom he shall swear to faithfully perform the duties of such interpreter or interpreters.

OBJECTIONS TO RETENTION OF NAMES ON THE LIST OF VOTERS.

51. Objections or complaints may be made by any of the persons mentioned in clauses 1, 2, 3 and 4 of section 32, or by any person entitled to be registered as a voter in the electoral division to the retention of any name or names on the list of voters referred to in sections 44 or 48 of this Act by delivering or transmitting by registered post to the deputy registrar at his post office address set forth in the poster notice (form 10) within ten days after the date fixed for posting the list of voters pursuant to sections 44 and 49 of this Act a notice in writing in the case of each objection or complaint setting forth the grounds of such objection or complaint and giving the name and post office address of the objector or complainant and of the person objected to.

Objections
to names
on the list
of voters

(2) All such notices as and when received by the deputy registrar shall be numbered consecutively and shall be dealt with by him in the following manner, that is to say: He shall immediately by registered post transmit a notice (form 19) to each person against whose name objection or complaint has been made; all such notices shall be addressed to the post office addresses shown on the list of voters and the registration certificate or receipt received by the deputy registrar from the post office shall in each case be attached to the notice of objection or complaint to which it refers and shall at the court of revision be *prima facie* evidence in each case that such notices have been mailed to and received by the persons against the retention of whose names on the list of voters objection or complaint has been made; such notices of objections or complaints as and when received shall be by the deputy registrar noted in writing in a list of

Procedure
Make list of
objections

objections made for the purpose in which shall be set forth the name of the person against whom objection or complaint is made.

(3) Objection or complaint may be made as aforesaid against the retention of the name of any person on the grounds of want of qualification, death or removal or that the name of such person is wrongfully stated in the list of voters or upon any grounds that would disqualify such person from having his name retained on such list under this Act.

(4) Each objection or complaint given to the deputy registrar under this section shall be in respect of one name only in each case.

TRANSMISSION OF PAPERS TO THE REGISTRAR.

Transmission
of papers by
deputy
registrar to
registrar

52. Within two days (Sunday excluded) after the last day provided for the list to remain posted up each deputy registrar shall transmit or deliver to the registrar whose deputy he is the list prepared by him pursuant to sections 44 or 48 of this Act duly certified by him together (in the case of a list of voters made in accordance with the provisions of sections 46 to 50 both inclusive) with an affidavit (form 20) annexed thereto duly sworn and subscribed, the register, all interrogatories and statutory declarations received, all objection or complaint notices against the retention of names on the voters' list and all other papers or things in any way relating to the registration in each of the polling subdivisions for or in which he has acted as deputy registrar, accompanied by a certificate (form 21) to the effect that the list of names of persons contained in the register is true in substance and in fact and contains the names of all the persons who have applied to be registered as voters in the said polling subdivision and that all the said objection or complaint notices are by him transmitted or delivered, as the case may be:

TRANSMISSION OF LISTS, ETC., TO CLERK OF EXECUTIVE COUNCIL AND TO REVISING OFFICER.

53. The registrar shall forthwith—

Forwarding
copy to
clerk of
Executive
Council

1. Transmit to the clerk of the Executive Council the duly certified lists of voters for each polling subdivision in his electoral division forwarded to him by the different deputy registrars under the provisions of section 52; and

Forwarding
documents
to revising
officer

2. Transmit to the proper revising officer for the electoral division the register, all interrogatories and statutory declarations received and all notices of objections or complaints against the retention of names on the register and all other books, papers or things in any way relating to the enumeration or registration in the electoral division for or in which he has acted as registrar.

PRINTING LISTS.

Clerk of the
Executive
Council to
procure three
hundred copies

54. The clerk of the Executive Council shall within thirty days after the receipt by him of the lists of voters referred to in the next preceding section—

(a) Cause to be printed at least three hundred copies of such lists of each electoral division, making one entire

list for each said electoral division and appropriately dividing the said list into polling subdivisions according to the lists received from the registrar;

- (b) Send to each revising officer for the purposes of the court of revision two copies thereof applicable to each of the electoral divisions for which he has been appointed revising officer. To send copies to each revising officer

(2) Certified copies of said lists or of any particular list may be obtained by any person from the clerk of the Executive Council upon the payment therefor at the rate of ten cents for each polling subdivision. Copies to be furnished

COURT OF REVISION.

55. For the purposes of revising the list of voters for each electoral division referred to in the next preceding section in the manner hereinafter provided the judge of the District Court appointed under the provisions of clause 2 of section 14 of this Act shall be the revising officer for the electoral division or divisions for which he is so appointed. Allotment of electoral divisions to revising officer

56. The revising officer shall have and possess all the powers and authority conferred upon him by this Act subject to no abatement, limitation, variation or interference by any court or process of law in Alberta or otherwise howsoever. Power of revising officer

57. Where any revising officer is unable to act at any of the sittings of a court of revision he may appoint a barrister of Alberta to be revising officer in his place. May appoint substitutes

58. Before the time fixed for the closing of the registration the revising officer shall by registered post notify the registrar of each electoral division for which he is acting of the date or dates on, the place or places in the said electoral division and the hours between which courts of revision will be held for each electoral division. To notify registrars

Provided that no such date or dates shall be later than two months after the closing of the registration sittings.

(2) The registrar shall forthwith notify each deputy appointed by him of said dates and places and shall forward to each such deputy a notice (form 22).

(3) The revising officer in fixing the places for such sittings shall have regard to the convenience of voters in attending said courts and shall distribute his sittings in such manner as to obviate the necessity of long distances being travelled to the said courts.

59. For the purpose of offering the widest scope for the registration of voters any person claiming to be entitled to be placed on any list of voters in any electoral division may notwithstanding the fact that his name has been omitted from the list of voters posted pursuant to sections 44 and 49 of this Act or that he has neglected or omitted to apply for registration at any one of the sittings of the deputy registrar at the polling subdivision in request of which such person claims to be entitled to have his name entered on such list of voters; and any person who having applied has been refused registration by such deputy Registration by revising officer at court of revision

registrar may apply to have his name entered on such list of voters as aforesaid at any of the sittings of the court of revision and shall be entitled to have his name entered on such list of voters by the revising officer at the court of revision if after *viva voce* examination on oath the revising officer shall be of opinion that such applicant possesses the necessary qualifications in that behalf. No notice of application for the purposes of this section shall be required:

Provided, however, that in the case of all persons whose applications were refused by the deputy registrars the respective applicants shall first produce and file with the revising officer the certificate required to be given by deputy registrars under the provisions of section 35 of this Act.

METHOD OF REVISION.

Revision

60. The revising officer shall revise the printed list of voters of each electoral division to which his appointment relates transmitted to him by the clerk of the Executive Council under the provisions of section 54 of this Act in the following manner and in strict accordance with the provisions hereinafter contained, that is to say:

How to be made

1. All the names appearing thereon or therein and as to which no objections or complaints shall have been lodged with the deputy registrar as hereinbefore provided shall be allowed to stand without investigation as to qualification;

Objections to be tried

2. All the objections or complaints lodged with the deputy registrar as to the retention of names of persons on the list as by this Act hereinbefore provided shall be heard and determined;

Striking off names

3. Opposite to or at the side of the name of any person struck off the printed list of voters the revising officer shall write the words "struck off" followed by his initials;

Procedure in dealing with objections to names on register

4. In the case of names in respect of which objections or complaints have been lodged with the deputy registrar as to the retention thereof on the list of voters and appearing on the list of voters as hereinbefore provided the revising officer shall deal with the same separately upon the merits to be disclosed by *viva voce* examination of the several applicants, the persons against whom such applications have been made and the witnesses present on their behalf. After hearing each application as above provided the revising officer shall in his discretion either strike off the name of the person from the printed list of voters or allow the same to stand. The onus of substantiating sufficient *prima facie* ground to strike off any name from the said list shall be entirely upon the applicant and it shall not be necessary for any person whose name has been objected to to adduce proof in the first instance that his name properly appears on the list or until after the revising officer avers that in his opinion such *prima facie* ground has been established. The absence from or non-attendance at the sittings of the revising officer at the time application is heard of any person whose name has been objected to shall not relieve the applicant from substantiating such *prima facie* case as aforesaid by evidence which shall in the absence of rebuttal evidence be deemed conclusive evidence that the name of such person improperly appears on the said list whereupon his name shall be struck off the said list by the revising officer;

Onus of proof

5. No complaint or appeal shall be heard by a revising officer to strike names off the list of voters unless notice of same has been lodged with the deputy registrar as hereinbefore by this Act provided; No names to be struck off unless objections lodged under section

6. All decisions of the revising officer upon matters dealt with by him under the provisions of this section shall be absolute and conclusive and subject to no appeal. No appeal from revising officer

61. In case any matter or thing respecting the revising of the list in the manner herein provided is not specifically or sufficiently provided for in this Act the revising officer shall deal with the same on principles of equity and justice. Revising officer to have discretion as to matters not provided for

62. The registrar shall act as clerk at the court of revision. Clerk to court of revision

63. If an applicant or complainant dies or abandons his complaint the revising officer may if he think proper allow any other person who might have been appellant to intervene and prosecute such appeal or complaint upon such terms as the revising officer may think just. Intervention of another person in place of applicant or complainant

64. Any person may obtain from the revising officer an order (form 23) requiring the attendance at the court for hearing complaints as aforesaid at the time mentioned in such order of any witness residing or served with such order in any part of Alberta and requiring any such witness to bring with him and produce to the court any papers or documents mentioned in the order. Order for attendance of witness

65. Every witness served with such order shall obey the same provided the allowance of expenses according to the scale allowed in the District Courts is tendered him at the time of service. Conduct money

66. Any person in respect of the insertion of whose name an objection or complaint is made shall upon being served with such order obey the same upon being tendered or paid an allowance for his expenses as hereinbefore provided. Order for attendance of respondent

67. If any person who has been served with such order and whose right to be a voter is the subject of inquiry is tendered or paid an allowance for his expenses as hereinbefore provided and does not attend the court in obedience to such order the revising officer shall unless he is satisfied by sufficient evidence that such person is entitled to be registered a voter strike the name of such person from the list. May strike name off lists

68. The revising officer at any court held by him for the revision and closing of lists of voters under this Act may without previous notice of complaint having been given in that behalf as hereinbefore provided correct any mistake which shall have been proved to him to have been made by the deputy registrar in the voters' list in respect of name, residence, occupation or otherwise howsoever. Correction of errors without previous complaint

Power or
amendment

69. The revising officer shall have power to amend any notice or other proceeding upon such terms and conditions as he may think proper.

Costs

70. In all proceedings before a revising officer the revising officer shall have full discretion as to costs; but in no event shall any higher costs be awarded or allowed than would be allowed for like services in a District Court.

Enforcing
payment
of costs

71. The payment of costs ordered by a revising officer to be paid may be enforced by execution against goods and chattels to be issued from a District Court having jurisdiction in any part of the electoral division the lists of voters for which are the subject of revision upon filing therein the order of the revising officer in the premises.

Decision
to be final

72. The decision of the revising officer under this Act in regard to the right of any person to be a voter shall be final.

Revising
officer to
have powers
of District
Court judges

73. In all proceedings under this Act the revising officer shall have with reference to the matters herein contained all the powers which belong to or might be exercised by a judge of a District Court in any action pending in a District Court.

Custody of
books, etc.

74. The revising officer of any list of voters under the provisions of this Act shall be the proper custodian of and be responsible for the safe keeping of all books and documents used at the said revision and shall on no account and upon no pretext whatever allow the same or any of them out of his possession during the progress of the revision or at the conclusion thereof except to transmit the same to the clerk of the Executive Council as hereinafter provided.

Duties of
revising
officer after
closing of
lists

75. Immediately after the full and final revision of the said printed list of voters of any electoral division referred to in section 60 hereof the revising officer shall—

1. See that all names decided by him to be struck off such list are in fact struck off and duly initialled by him in the manner hereinbefore provided;

2. Insert in their proper places all names added by him to the list of voters accompanied by a certificate (form 24).

Transmission
of list, books,
etc., to
clerk of
Executive
Council

76. The revising officer shall forthwith thereafter transmit or deliver to the clerk of the Executive Council the completed list of voters referred to in the next preceding section together with all books, documents and papers in his hands relating to the said list of voters.

Closed lists
to be final

77. Every list of voters revised and closed under the provisions of this Act shall be final and conclusive and shall be subject to no appeal.

Lists to
continue until
next revision

78. All lists of voters revised and closed under the provisions of this Act shall be and shall constitute the lists of voters of the electoral divisions to which they refer until other lists of voters therefor shall be similarly revised and closed.

DUTY OF CLERK OF EXECUTIVE COUNCIL ON RECEIPT OF LISTS
OF VOTERS.

79. It shall be the duty of the clerk of the Executive Council upon the receipt from revising officers under section 76 hereof of the lists of voters to make or cause to be made under his immediate supervision and direction correct copies of the same in every particular; he shall then certify to such fact at the foot thereof and transmit such certified copies to the Government Printer; the original list and all books, papers and documents relating to the registration of voters in the respective electoral divisions shall then be properly labelled and sealed by him and filed in a safe manner in the archives of his office.

Duties of clerk
of Executive
Council on
receipt of lists

PRINTING LISTS.

80. The Government Printer shall print at least two hundred copies of each such list at least ten days before the date fixed for the holding of an election; certified copies of any such list may at any time be obtained by any person from the clerk of the Executive Council upon payment at the rate of ten cents for each polling subdivision and fifty cents for each certificate.

Lists to be
printed if
required for
election

(2) The clerk of the Executive Council shall send at least twenty copies when printed of such list of voters relating to each electoral division to the sitting member of the Legislative Assembly and to the last unsuccessful candidate or candidates for the electoral division affected by such list and shall furnish any person applying for the same with copies of such printed list of voters for any electoral division at the rate of ten cents for each polling subdivision.

Copies to be
sent to certain
persons

81. The compensation of revising officers, registrars, deputy registrars and all other officials and persons engaged in or about the preparation and revision of the lists of voters as by this Act provided and all expenses consequent thereupon shall be paid by the Provincial Treasurer out of the general revenue fund of the province but only such sums as shall be determined by the Lieutenant Governor in Council and no more shall be allowed or paid for such services and expenses.

Compensation
and expenses
to be fixed by
order in
council

(2) All accounts for compensation for services and expenses of the kind particularized in this section shall be rendered in duplicate duly certified to and accompanied by satisfactory vouchers showing disbursements made, if any, and shall be forwarded for payment as herein provided to the clerk of the Executive Council at the City of Edmonton.

Rendering
accounts

FALSE REGISTRATION AND PENALTIES.

82. Every person who applies under this Act to be registered as a voter in the name of some other person whether such name be that of a person living or dead or of a fictitious person or who having been once registered under this Act applies to be again registered in the same or another electoral division shall be guilty of an offence of personation and liable to the penalties imposed in this Act upon persons guilty of the said offence.

Who shall
be guilty of
personation

Registrar not
taking oath

83. Any person appointed a registrar or deputy registrar who refuses or neglects to take and subscribe any oath required by this Act to be taken and subscribed by him shall for his neglect or refusal be liable to a penalty not exceeding one hundred dollars.

Penalty for
false statement
by applicant

84. Any person making a claim to be registered as a voter at any registration sittings and answering and declaring any of the interrogatories necessary to entitle a person to be registered a voter as by this Act hereinbefore provided knowing the same to be false shall in addition to any other punishment provided by law be liable to a penalty not exceeding \$200 and to imprisonment for a term not exceeding six months.

Official
improperly
certifying
statutory
declaration

85. Any registrar, deputy registrar, notary public, commissioner for oaths or justice of the peace who falsely signs any statutory declaration to be used for the purpose of procuring the registration of voters under this Act certifying or declaring that such declaration was made before him or who signs it prior to the same being signed by the person purporting to declare to the same or otherwise than in the presence of the declarant shall for every such act be liable to a penalty not exceeding \$200 and to imprisonment for a term not exceeding six months.

86. Any registrar or deputy registrar—

- (a) Who acting under the provisions of sections 46 to 50 both inclusive hereof shall wilfully and without reasonable cause refuse or neglect to make out any list of voters or who shall wilfully and without reasonable cause refuse or neglect to insert in the list of voters compiled by him or who shall wilfully and without reasonable cause insert in any such list the name of any person not entitled to be a voter; or
- (b) Who acting under the provisions of sections 27 to 45 both inclusive hereof shall wilfully and without reasonable cause refuse to make out any list of voters or who shall wilfully and without reasonable cause neglect to insert in the register the application of any person who claims to be entitled to be a voter and shall have compiled with all the provisions of this Act, necessary to entitle the application of such person to be received and entered in the register or who shall wilfully and without reasonable cause insert in any such register the name of any person not having applied for registration or who wilfully places on the list of objections the name of any person against whom no objection shall have been filed; or
- (c) Who shall wilfully neglect to publish any notice, post any list or decline to give a copy of the same to any person entitled thereto or who shall wilfully refuse or neglect to make the return and deliver or transmit the books and documents to the registrar, revising officer or clerk of the Executive Council as required by this Act or who is guilty of any other wilful misfeasance or malfeasance or wilful act of omission or commission in contravention of the duties of his office;

shall for every such act or omission be liable to a penalty not exceeding \$200 and to imprisonment for a term not exceeding six months.

(2) Any deputy registrar who wilfully and corruptly deposes, swears to or makes any false statement as to any fact, matter or thing referred to in the affidavit (form 20) shall in addition to any penalty provided for by law be liable to a penalty not exceeding \$200 and to imprisonment for a term not exceeding six months. Penalty for false oath

87. For the purpose of making and revising of voters' lists hereunder the electoral divisions for which lists are to be made or revised shall be the electoral divisions set out in the schedule to the Act of the present session intituled "*An Act respecting the Legislative Assembly*" whether such lists are to be made or revised before or after the said Act takes effect. Electoral divisions

ELECTIONS PENDING COMPLETION OF VOTERS' LIST.

88. Until lists of voters shall have been completed and revised in accordance with this Act, the provisions contained in sections 88 to 104 both inclusive of this Act and the provisions of this Act having to do with the manner in which disputed ballots are to be dealt with shall to the extent to which the same are applicable apply in the case of an election under this Act. Interim provisions for elections

89. Upon the receipt of the returning officer of the writ for the election he shall subdivide the electoral division into as many polling subdivisions as he deems necessary for the convenience of the voters. Subdivision of electoral division into polling subdivisions

90. The Lieutenant Governor in Council may appoint enumerators to make lists of the voters in the electoral division. Enumerators appointed by Lieutenant Governor to make voters' lists

(2) If such appointments have not been made before the issue of a writ for the election the returning officer upon receiving such writ conjointly with a justice of the peace resident in or near the electoral division or two voters of such division, one of whom shall be a notary public or commissioner for taking affidavits in the province, neither of the number being the candidate shall appoint under their hands a competent and reliable person to be enumerator for any one or more polling subdivisions of such electoral division.

(3) The returning officer shall see that no polling subdivision is omitted to be included in some one of such appointment.

91. Every enumerator shall before acting as such take the oath of office (form 54). Oath of enumerator

92. Each such enumerator shall immediately upon his having taken the oath of office complete a list of the persons qualified as voters to vote at the election then pending for the polling subdivision or each of the polling subdivisions for which he has been appointed; and he shall make three plainly written copies thereof with the names of the voters alphabetically arranged giving the occupation and residence of each voter (form 55). List of voters by enumerator

93. Each enumerator shall complete, date at his place of residence and sign the copies of the voters' list or lists as aforesaid eight days before the polling day; two of the said copies for List to be posted up

each polling subdivision he shall forthwith post up in two of the most public places within such polling subdivision and the other he shall retain for revision.

At post office
or other con-
spicuous place

(2) One of the places where copies of the list are to be so posted up shall be the post office nearest to the place appointed as polling station for the polling subdivision or if there is no such post office a conspicuous place outside and adjoining the main entrance to such polling station.

Notice of
place where
enumerator
may be found

(3) The enumerator shall attach to each of the two copies posted up by him a written notice signed by him designating a place and time where and when voters may conveniently find him between ten o'clock in the forenoon and four o'clock in the afternoon on every day except Sunday of the three days next before the polling day; and the enumerator shall attend for that purpose at the time and place so designated between the hours so mentioned on each of the said three days.

94. If any enumerator at any time after posting up any voters' list and two days before the polling day is fully satisfied from representations made to him by any credible person that the name of any qualified voter has been omitted from the voters' list of the polling subdivision to which such voter belongs he shall add such name to the copy of the list in his possession below his own signature and shall attest such addition by his initials.

Enumerator
may erase
name of
persons not
qualified

(2) If the enumerator in like manner is fully satisfied that there is on the list the name of any person who is not qualified as a voter in such polling subdivision he may draw erasing lines through such name and write his own initials opposite thereto in the column for remarks.

And correct
description

(3) If the enumerator finds the occupation, addition or residence of any voter to be inaccurately stated in the list he may make the necessary alteration and affix his initials thereto in like manner.

Attestation of
list of voters

95. Every enumerator having revised and corrected such retained copy of each voters' list compiled by him if he deems such correction necessary as provided in the next preceding section shall write at the foot of such copy and close to the last name thereon two days before the polling day a certificate in the form of the second certificate contained in form 55.

List to be
delivered to
deputy return-
ing officer

96. The enumerator shall deliver the voters' list so certified forthwith or before eight o'clock in the morning of the polling day to the deputy returning officer for the polling subdivision to which it relates; and such list as received by such deputy returning officer shall be the voters' list for such polling subdivision subject to be further corrected on the polling day as hereinafter provided and shall be and constitute the polling list within the meaning of this Act.

When certain
voters and
agents may
vote at polling
stations where
employed

97. Any deputy returning officer, candidate, agent or poll clerk who belongs to a polling subdivision other than the one at which he is employed on the polling day shall be permitted to vote at the polling place where he is so employed provided he produces a certificate from the enumerator of the polling subdivision to which he belongs that he is a qualified voter in

such polling subdivision which certificate such enumerator shall give gratis to any qualified voter who is so stationed outside of his polling subdivision.

(2) In issuing such certificate every enumerator—

- (a) Shall not issue more than five certificates for use in any one polling subdivision to agents of any candidate;
- (b) Shall mention in such certificate the date of issue and sign such certificate;
- (c) Shall number consecutively in order of issue any such certificate;
- (d) Shall not issue in blank any such certificate.

(3) Each such certificate shall contain in writing the name of the person to whom it is issued and shall state that such person is a qualified voter, the polling subdivision in which he is entitled to vote and if he is a deputy returning officer, agent or poll clerk the polling place for which he is appointed.

98. In case any vote is recorded as provided in the next preceding section in a polling division other than that in which a voter resides the voter shall file with the deputy returning officer the certificate provided for in the said section and there shall be entered in the poll book opposite the voters' name in the column for remarks a memorandum stating that he has voted under such certificate and stating the particular office or position which the voter is filling at the polling place. Entry in such cases

99. Every deputy returning officer may and shall when he is required so to do by any candidate or agent of a candidate administer to any voter the oath (form 56). Administration of oath to electors

100. The deputy returning officer shall while the poll is open if required by any person whose name is not on the voters' list administer to such person the oath (form 56); and such oath having been taken the deputy returning officer shall at once cause such person's name to be added to the voters' list with the word "sworn" written thereafter. Oath to voter whose name is not on list

101. Every person whose name is on the voters' list unless sworn as in the next preceding section provided shall before being permitted to vote if required by any candidate, agent or voter take the oath (form 56) and if he refuses to take the same erasing lines shall be drawn through his name on the voters' list and in the poll book if such name has been entered in the said book and the words "refused to be sworn" written thereafter; and any person whose name is so erased shall not be permitted to vote at the said election. Voter refusing to be sworn

102. The poll clerk shall make such additions, alterations and erasures in the voters' list and such entries in the poll book as the deputy returning officer directs him to make as is required by any provision in sections 88 to 104 both inclusive of this Act. Correction of the voters' list

103. Every voter shall be entitled to vote whose name is on the voters' list and has not been erased therefrom in accordance with the foregoing provisions of sections 88 to 104 both inclusive of this Act. Which voters may vote

Persons
entitled
to vote

104. For the purpose of an election held under the provisions of sections 88 to 104, both inclusive hereof, the following persons only shall be entitled to vote, that is to say: All male persons of the full age of twenty-one years who are British subjects by birth or naturalization, who are not Indians and who have resided in Alberta for at least one year and in the electoral division in which they seek to vote for at least three months immediately preceding the date of the issue of the writ of election and who are not disqualified under any of the provisions of this Act:

Provided that except as herein otherwise provided any elector may only vote at the polling station of the polling division in which he is resident at the time of voting.

PROCEEDINGS PRELIMINARY TO ELECTIONS.

Dates for Nomination and Polling.

Appointment
of day for
holding

105. Except in the electoral divisions of Athabasca and Peace River when an election is to be held the Lieutenant Governor in Council may appoint a day not more than 20 nor less than 16 days from the date of the writs of election for the nomination of candidates and the seventh day after the nomination shall be the day on which the polling shall take place where a poll is granted.

(2) In the electoral divisions of Athabasca and Peace River the returning officer shall fix a day for the nomination of candidates and also the day and place for holding polls; the nomination in the said electoral divisions shall take place not less than 14 days after the proclamation required by section 121 hereof has been posted up, neither the last day of the posting it nor the day of nomination being reckoned; and the day for holding the polls shall be as early a date thereafter as possible, but not less than 14 days after the nomination, and at a general election it shall, if possible, be the same day as that fixed by the Lieutenant Governor in Council for the other electoral divisions but not sooner.

Date to be
same in all
electoral
divisions

106. Except in the electoral divisions of Athabasca and Peace River, in the case of a general election the nominations shall be held on one and the same day for all electoral divisions and the respective days for the nomination and for the polling shall be stated in the proclamation for the election.

Writs to bear
date on same
day

107. Except in the writs for the electoral divisions of Athabasca and Peace River the writs for a general election shall be dated on the same day.

Form of writ
of election

108. A writ of election shall be in form 25, and except in the writs for the electoral divisions of Athabasca and Peace River shall state the respective days for the nomination and for the polling and shall bear date and be returnable on such day as shall have been fixed by the Lieutenant Governor in Council.

FORMS, ETC.

Papers and Forms to be sent by Clerk of the Executive Council to Returning Officer.

109. Before any general or other elections the clerk of the Executive Council shall procure to be printed in conspicuous characters a notice as to secrecy (form 26) and shall transmit by post to the returning officer of every electoral division such number of copies as he may deem sufficient to supply every deputy returning officer with five copies; and the deputy returning officer shall post up one copy in a conspicuous place outside the polling place, and one copy in a conspicuous place within the polling place and he shall see that they remain so posted up from the opening to the close of the poll.

Notices as to secrecy to be sent to returning officers before elections

(2) The notice may be separated from or added to the directions for the guidance of voters in voting (form 40).

110. The clerk of the Executive Council shall also procure the forms other than the proclamation of the nomination prescribed by this Act for each electoral division in sufficient number for the requirements of the election, the label mentioned in subsection (2) of section 234 and such stationery as may be necessary and shall send the same to the returning officer forthwith after the issues of the writ.

Forms, etc., to be supplied by clerk of the Executive Council

111. Immediately after the issue of the writ the clerk of the Executive Council shall supply the returning officer with—

Clerk of the Executive Council to supply poll books and voters' lists

1. A sufficient number of blank poll books (form 27) for the purposes of the election, having regard to the number of polling places within the electoral division, containing the following blank forms:

- (a) Commission of deputy returning officer;
- (b) Oath of deputy returning officer;
- (c) Commission of poll clerk;
- (d) Oath of poll clerk;
- (e) Oath of secrecy;
- (f) Schedule for "Notes of Objections" to ballot papers under section 188;
- (g) Statement of the poll after counting the ballot paper;
- (h) Ballot paper account;
- (i) Oath of deputy returning officer after closing the poll;
- (j) Oath of poll clerk after closing of poll;
- (k) Forms of notice under section 177;
- (l) Summonses to witnesses under section 197;

2. A copy, certified by him, of the list of voters for each polling subdivision of the electoral division together with a copy of the notice (form 28) setting forth the limits and boundaries of each polling subdivision.

112. There shall be transmitted to the returning officer with the writ of election such number of copies of this Act and of any Acts amending the same as will be sufficient to supply him and each deputy returning officer with one copy at least; and every copy shall contain an alphabetical index.

Transmission to returning officers of copies of this Act

RETURNING OFFICERS.

Appointment
of returning
officer

113. A commission shall not be required for the appointment of a returning officer but the direction of a writ of election to a person named therein as returning officer shall be a sufficient appointment.

Writs for
elections,
to whom
addressed

114. Every writ of election shall be addressed to such person being a resident of the electoral division for which the election is to take place as the Lieutenant Governor in Council may appoint.

Refusal or
incapacity
to act

115. If the person to whom the writ is addressed dies or refuses to act or is absent or incapacitated or unable from any cause to act the Lieutenant Governor in Council may appoint some other person to be returning officer.

Where writ
directed to
person whose
appointment
is subsequently
superseded

116. If a writ has been issued to a person whose appointment is afterward superseded or to a person in whose stead a returning officer has been appointed under the provisions of the next preceding section a new writ may be issued or the new returning officer may act under the writ already issued as if the same had been addressed to him and the validity of the proceedings had or taken under the first appointment shall not be affected by the new appointment; but the new returning officer may appoint a new election clerk and new deputy returning officers if he thinks fit in place of the persons, if any, appointed to such offices by the person previously named as returning officer.

Persons
excluded from
being returning
officers, etc.

117. None of the persons hereinafter mentioned shall be appointed or shall act as returning officer, deputy returning officer, election clerk or poll clerk—

- (a) Members of the Executive Council;
- (b) Members of the Parliament of Canada or of the Legislative Assembly;
- (c) Ministers, priests or ecclesiastics under any form of profession of religious faith or worship;
- (d) Judges of Dominion or provincial courts;
- (e) Persons who have at any time been found guilty by a competent tribunal of corrupt practices or who have been convicted by any competent tribunal of any offence or dereliction of duty in violation of this Act or of any other Act previously in force in this province or in the North-West Territories relating to elections;
- (f) Persons convicted of any indictable offence.

Penalty

(2) If any such person acts as returning officer, deputy returning officer, election clerk or poll clerk he shall be guilty of a violation of this Act and shall incur a penalty of \$200.

Exempted
persons

118. None of the persons hereinafter mentioned shall be obliged to act as returning officer, deputy returning officer, election clerk or poll clerk—

- (a) Physicians and surgeons;
- (b) Persons sixty years of age or upwards;
- (c) Persons who have within the five years immediately preceding the date of the writ served as returning officers at any election to the Legislative Assembly of Alberta.

119. Every person not disqualified by this Act who refuses ^{Penalty for refusal to act} to perform the duty of returning officer after having received the writ of election shall incur a penalty of \$200 unless having a right to claim the exemption conferred by the next preceding section he has claimed exemption by letter setting forth the grounds of such exemption forwarded to the clerk of the Executive Council within two days next after the receipt of the writ of election.

PROCEEDING ON THE RECEIPT OF THE WRIT.

120. The returning officer shall forthwith on receiving the ^{Endorsement on writ} writ endorse thereon the date of its receipt and take and subscribe the oath of office (form 29).

PROCLAMATION OF RETURNING OFFICER.

121. Within the shortest possible time after the reception ^{Proclamation by returning officer} of the writ in the electoral divisions of Athabasca and Peace River and in other electoral divisions at least 8 days before the day fixed in the writ for the nomination of candidates, the returning officer shall publish by proclamation under his hand in the English language (form 30)—

- (a) The place and time fixed for the nomination of candidates;
- (b) The day on which the poll for taking the votes of the voters is to be held in case a poll is granted;
- (c) The numbers, names and fully described boundaries of the polling subdivisions of the electoral division and the places at which the several polls shall be held;
- (d) The time when (which shall except in the electoral divisions of Athabasca and Peace River be the tenth day after the date fixed for the polling) and the place where he will add up the number of votes given to the several candidates.

(2) The proclamation shall except in the electoral divisions of Athabasca and Peace River be posted up in at least two conspicuous places in each polling subdivision in the electoral division at least eight days before the nomination day neither the last day of posting up nor the nomination day being reckoned:

Provided that in a city, town or village the proclamation shall be posted up at the city or town hall or other public place where the meetings of the municipal council are held, at every post office and in at least one other public place in each polling subdivision.

(3) The returning officer may make or cause to be made upon the proclamation so posted corrections of obvious errors and omissions at any time up to forty-eight hours of the time fixed therein for the nomination of candidates.

(4) In the electoral divisions of Athabasca and Peace River the time when and the place where the returning officer will add up the number of votes given to the several candidates shall be fixed by the returning officer and shall be the shortest possible time after the date of the election.

(5) In the electoral divisions of Athabasca and Peace River the proclamation shall be posted up in a conspicuous position at or near the Missions and the posts of the Hudson's Bay Company and the Revillon Brothers Company.

Place of nomination

122. The place for the nomination of candidates shall be the court house, city or town hall or some other public or private building in the most central or the most convenient place for the majority of the voters of the electoral division and the time appointed for the nomination of candidates shall be from twelve o'clock noon until two o'clock in the afternoon of the day fixed for that purpose.

Unforeseen delays provided for

123. Where from any cause the proclamation could not be posted up so as to leave the required delay between the posting up and the nomination day or he is unable to hold the nomination on the day fixed for that purpose the returning officer may by proclamation under his hand fix another day for the nomination which shall be the nearest day practicable after allowing the required delay between the posting up of the proclamation and the nomination day.

(2) The proclamation shall be in the like form and shall be posted up in the like manner as provided in section 121.

(3) The polling day shall be the seventh day after the nomination day.

(4) The returning officer shall with his return make to the clerk of the Executive Council a report of the cause which occasioned the postponement of the election.

ELECTION CLERKS.**Returning officer to appoint an election clerk**

124. The returning officer before the nomination day shall appoint by commission under his hand (form 31) an election clerk.

(2) The returning officer may at any time during the election in the same manner appoint another election clerk if the one so appointed dies or refuses or neglects or is unable to perform his duties.

(3) The election clerk shall assist the returning officer in the performance of his duties and if the returning officer dies or refuses or is disqualified or unable to perform his duties and has not been replaced by another shall act in his stead as returning officer.

Oath of election clerk

125. The election clerk shall before entering upon his duties take and subscribe the oath (form 32).

Penalty for refusing to act

126. A person appointed election clerk who refuses to accept the office or who having accepted it refuses or neglects to take and subscribe the oath or to perform the duties of election clerk shall incur a penalty not exceeding \$40.

Appointment and oath to be on writ

127. The appointment and oath of an election clerk shall be either endorsed on or attached to the writ.

Duties and liabilities when acting as returning officer

128. An election clerk whose duty it becomes to act in the stead of the returning officer shall be subject to the same penalties as the returning officer for his neglect or refusal to perform the duties and to fulfil all the obligations of that office in like manner as if he had been appointed returning officer and shall not be required to possess any other qualification or to take the oath (form 29).

BALLOT BOXES.

129. It shall be the duty of the clerk of the Executive Council to transmit to the returning officer a sufficient number of ballot boxes required for the purposes of the election.

(2) The returning officer shall two days at least before polling day deliver one of the ballot boxes to each deputy returning officer appointed for the purposes of the election. Ballot boxes to be furnished

(3) The ballot box shall be made of durable material, provided with lock and key so constructed that the ballot paper can be deposited therein and cannot be withdrawn without unlocking the box. How made

130. The property in the ballot boxes, ballot papers, marking instruments, books, papers and documents procured for or used at an election shall be in His Majesty. Property in ballot boxes, papers, etc., to be in His Majesty

131. A deputy returning officer who has not been supplied with a ballot box within the time hereinbefore prescribed shall forthwith procure one to be made. Duty of deputy returning officer as to ballot box

132. After the close of the election the returning officer shall deliver the ballot boxes used in the election to the clerk of the Executive Council and the boxes shall be preserved by him for use at future elections. Return of ballot boxes to clerk of the Executive Council

POLLING PLACES.

133. The returning officer on receiving the writ shall fix and provide a polling place for each polling subdivision in the most central or most convenient place for the voters: Polling place in each polling division

Provided however that whenever the greater convenience of voters would be suited thereby the polling place for a polling subdivision not included within the limits of a city or town but adjacent to a city or town may instead of being fixed and provided in such polling subdivision be fixed and provided in the city or town which it so adjoins.

(2) The returning officer is hereby vested with authority to take and use as a polling place any school house the property of any school district organized by virtue of any Act if such school house is convenient for that purpose.

(2) (a) Whenever it shall transpire that no place is available in which to hold a poll, the returning officer may cause a suitable place to be built or erected for the purpose of holding such poll, in which event, notwithstanding the provisions of the next subsection, the actual cost thereof shall be paid by the Provincial Treasurer. 1913, c. 9, s. 21.

(3) The actual cost of each polling place not exceeding \$4 shall be paid to the returning officer by the Provincial Treasurer out of the general revenue fund of the province and shall be disbursed by the returning officer to the officers and persons entitled to the same and he shall account therefor and report to the clerk of the Executive Council.

(4) The building in which the poll is held shall not be a place where intoxicating liquor is sold and there shall be free access to the poll for every voter. Polling place not to be a place where intoxicating liquor is sold

(5) Whenever it shall transpire that by reason of some unforeseen emergency it is found not to be practicable to hold the poll in the place so provided for the returning officer may, after having given notice by registered letter or telegram to the candidates at the election of his intention to change the poll at such place to another named place in the same polling subdivision and of the reason therefor, fix another polling place for such subdivision as near as practicable to the place first provided; and in such event the returning officer shall affix or cause to be affixed to the place first provided a notice clearly and distinctly stating the reasons for the change of the polling place and the place to which such poll has been changed, and such new polling place so fixed shall for all purposes be taken to be the polling place for such polling subdivision in the same way as though it had originally been fixed as such in accordance with the provisions of this Act.

Additional
polling places
where more
than prescribed
number of
voters

134. Where a polling subdivision has more than two hundred voters according to the list of voters, the returning officer shall provide separate and additional polling places according to the total number of qualified voters in the same building or in separate buildings as near to one another as possible for the polling of the voters in such polling subdivision and so that not more than one hundred and fifty and when practicable not fewer than one hundred qualified voters' names shall be on the list for each polling place.

Separate
lists to be
prepared in
such case

135. The returning officer in such cases shall prepare or cause to be prepared from the list of voters for the polling subdivision a separate list for each polling place arranged in alphabetical order according to the initial letter of the surname of each voter.

Polling
stations to be
designated
by initial
letters

(2) Each separate polling place shall be designated by the initial letters of the surnames of the voters on the list who are to vote in such polling place in the following manner that is to say: From A to K and from L to R and from S to Z or as the case may be.

(3) Every voter the initial letter of whose surname is included within the letters of the alphabet designating a polling place and contained in such list shall vote in the polling place so designated.

Deputy
returning
officer for
each station

(4) The returning officer shall appoint a deputy returning officer for each polling place and shall deliver to such deputy in due time a list certified by him to be a correct list of all voters on the list of voters whose surnames commence with letters of the alphabet by which such polling place is designated.

Compartment
for voters to
mark ballots

136. Every polling place shall be furnished with compartments in which the voters may mark their ballot papers screened from observation; and it shall be the duty of the returning officer and the deputy returning officer respectively to see that a sufficient number of compartments is provided at each polling place.

NOMINATION.

Procedure by Returning Officer.

137. At any time after the date of the writ of election and before two o'clock in the afternoon of the day fixed for the nomination any four or more voters may nominate a candidate by signing before any person authorized to administer oaths within the province or before the returning officer and causing to be filed with the returning officer a nomination paper (form 33); and any vote given at the election for any person other than a candidate so nominated shall be null and void.

Time and
manner of
nomination

Voting for
person not
nominated

(2) The nomination paper shall state an address within Alberta at which legal process and notices or other documents issued or to be served either under this Act or under *The Controverted Elections Act* may be served upon the candidate; and leaving a copy of such process, notice or other document at such address shall be deemed equivalent for all purposes to personal service upon him of such process, notice or other document.

Address for
service

138. A nomination paper shall not be valid or be acted upon by the returning officer unless—

Nomination
papers

(a) It is accompanied by the consent in writing of the person therein nominated (except when such person is absent from the electoral division when such absence shall be stated in the nomination paper); and

Consent of
candidate

(b) A sum of \$100 is deposited in the hands of the returning officer at the time the nomination paper is filed with him.

Deposit of \$100

(2) The returning officer shall (the foregoing requirements of this section being complied with) give his receipt for the nomination paper; and the said receipt of the returning officer shall in every case be sufficient evidence of the production of the nomination paper, of the consent of the candidate and of the payment herein mentioned.

Receipt for
nomination
paper

(3) The returning officer shall accept the sum of money hereinbefore mentioned if it is tendered—

How deposit
may be made

(a) In gold coin;

(b) In Dominion of Canada notes;

(c) In the bills of any chartered bank doing business in Canada, or a cheque for such amount drawn upon and accepted by such bank;

(d) Partly in one and partly in another or others of the descriptions of moneys herein mentioned;

but he will not be obliged to accept such tender if any part of it consists of descriptions of money other than those herein specified.

(4) The sum so deposited by any candidate shall be returned to him in the event of his being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of the candidate elected as decided in the final count, or in the event of his withdrawal as hereinafter provided within twenty-four hours after the nominations have closed.

Condition
upon which
deposit may
be returned

(5) The sum so deposited shall in the case of the death of any candidate after being nominated and before the closing

In case
of death of
candidate
returned

of the poll be returned to the personal representatives of such candidate.

(6) If such candidate has not obtained the number of votes in subsection (4) hereof mentioned the said deposit shall be transmitted by the returning officer to the clerk of the Executive Council and by him deposited to the credit of the general revenue fund of the province.

NOMINATION PROCEEDINGS.

Procedure
of hustings

139. Every returning officer shall on the date of nomination and at the place fixed as aforesaid proceed to the hustings (which shall be at such place that all the voters may have free access thereto) and at the hour of twelve of the clock noon shall read or cause to be read publicly the writ of election and shall forthwith read in an audible voice the nominations which he has received, and from time to time until two o'clock of the day shall so read further nominations as he receives them.

Closing
nominations

140. At the hour of two o'clock in the afternoon the returning officer shall declare the nominations closed and shall announce in an audible voice the names of the several candidates.

Procedure
when only one
candidate
nominated

141. If at the close of the time for receiving nominations only one candidate for the vacancy to be filled remains in nomination, the returning officer shall then and there—

1. Declare the said candidate duly elected;
2. Give such candidate or any agent of such candidate, if the candidate is not present, a certificate that such candidate has been duly elected;
3. Forward to the clerk of the Executive Council the writ of election, together with a certificate in writing declaring such candidate duly elected and all ballot boxes, poll books and other books, forms, seals, materials and things which have been sent to him to be used in the election and which have not been used.

Procedure
when more
than one
candidate
nominated

142. If at the close of the time for receiving nominations more than one candidate for the vacancy to be filled remains in nomination, the returning officer shall announce the day upon which a poll will be held and the day, hour and place at which the ballots will be counted which shall be the tenth day after the day fixed for the polling; and shall deliver to every candidate or to any person authorized in writing by the candidate or any of his nominators to act in his behalf a list of the candidates nominated. 1910, c. 2, s. 22.

Returning
officer to
publish names
and addresses
of agents

(2) The returning officer shall announce at the place and on the day of nomination and on or immediately after the day of nomination shall publish the names and addresses of their official agents. The publication shall be in a newspaper published within the electoral division or in case no newspaper is published within the division then in the newspaper published nearest thereto.

Candidate may
withdraw his
nomination

143. Any candidate nominated may withdraw at any time after his nomination and before the closing of the poll by filing with the returning officer a declaration in writing (form 34)

to that effect signed by himself; and any votes cast for a candidate who shall have so withdrawn shall be null and void; and in case after such withdrawal there should remain only one candidate for the vacancy to be filled then it shall be the duty of the returning officer forthwith to return as duly elected the candidate so remaining and to proceed as directed in section 141 of this Act:

Provided always that except as hereinbefore otherwise provided ^{But will forfeit his deposit} if a candidate withdraw at any time after his nomination he shall forfeit the money deposited by him and the returning officer shall transmit the same to the clerk of the Executive Council as provided in section 138 hereof.

DEATH OF A CANDIDATE.

144. If a candidate dies after being nominated and before ^{Death of candidate} the close of the poll the returning officer shall fix new days for the nomination of candidates and for polling; and the nomination day shall be the nearest day practicable after allowing the required delay between the posting up of the proclamation and the nomination day; and with his return he shall make to the clerk of the Executive Council a report of the cause which occasioned the postponement of the election.

ELECTION NOTICES.

145. In case a poll is required the returning officer shall with ^{Election notice} the least possible delay after the close of the nomination cause to be posted up at all the places where the proclamation in form 30 was posted up a notice (form 35) of the holding of such poll indicating the names, residences and occupations of the candidates nominated in the order in which they are to be printed on the ballot papers.

(2) The returning officer may make or cause to be made upon the election notice so posted corrections of obvious errors and omissions at any time up to forty-eight hours of the time fixed by the proclamation for the opening of the poll and notice thereof shall be given by the returning officer forthwith after the same are made to the nominated candidates by registered letter or telegram addressed to the address given for such candidates in their respective nomination papers.

POLLING.

Proceedings Preliminary to the Poll. Deputy Returning Officer.

146. The returning officer by a commission under his hand ^{Appointment of deputy returning officer} (form 36) shall appoint a deputy returning officer for every polling place.

(2) No person shall be so appointed who is not a voter in ^{Deputy returning officer to be a voter in electoral division} the electoral division wherein the polling place for which he is appointed is situated.

147. Every deputy returning officer before acting shall take ^{Oath of office, etc.} and subscribe the oath (form 37).

Penalty for refusing to perform duties of officer

148. A person appointed a deputy returning officer who refuses to accept the office or who after having accepted it refuses or neglects to take and subscribe the oath or to perform the duties of a deputy returning officer shall incur a penalty not exceeding \$100.

Death or absence of deputy returning officer

149. In case of the death, illness or absence of a deputy returning officer, or his refusal or neglect to act the returning officer may by commission as hereinbefore provided appoint another deputy returning officer to act in his stead; and the appointment and oath of the person so appointed shall be endorsed upon or attached to the poll book.

MATERIALS TO BE FURNISHED TO DEPUTY RETURNING OFFICER.

Supplies to be furnished to deputy returning officer

150. The returning officer shall deliver to each deputy returning officer two days at least before the polling day a blank poll book, forms of oaths to be administered to voters, notices to appear before the court of inquiry, summonses to witnesses, envelopes and sealing wax and a screen if one is required.

BALLOT PAPERS.

Returning officer to see to printing of ballots

151. The returning officer shall procure to be printed on the paper furnished to him as hereinafter provided a sufficient number of ballot papers not being less than the total number of voters in the electoral division.

Forms of ballots

(2) The names of the candidates alphabetically arranged in the order of their surnames shall be printed on the ballot paper and it shall be provided with a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil, and between the counterfoil and the stub, the whole as in form 39.

Weight of paper

(3) The ballot shall be printed upon thick writing paper of the following weight: If foolscap paper is used it shall be of a weight not less than sixteen pounds to the ream; if large post paper is used it shall be of a weight of not less than twenty-four pounds to the ream.

Paper furnished to printer

(4) The paper required for the printing of the ballot papers shall be furnished to the returning officer by the clerk of the Executive Council when the writ for the election is transmitted to him, or as soon thereafter as possible.

Numbering of ballot paper

(5) The ballot papers shall be numbered on the back of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil and shall be bound or stitched in books containing twenty-five, fifty or one hundred ballots as may be most suitable for supplying the polling subdivisions proportionately to the number of voters in each.

(6) All ballot papers shall be of the same description and as nearly alike as possible.

Printer's name

(7) The ballot papers shall bear the name of the printer who prints them.

Affidavit of printer

(8) The printer shall with the ballot papers deliver to the returning officer an affidavit (form 38).

152. The returning officer shall furnish each deputy returning officer with a sufficient number of ballot papers to supply the voters on the polling list of his polling place or polling sub-division and a certificate of the number of ballot papers with the necessary materials for voters to mark their ballot papers. Ballot papers, etc., to be furnished by returning officer

(2) Every ballot paper shall be stamped by the returning officer with a stamp furnished him for that purpose by the clerk of the Executive Council, the impression of the stamp being so placed on the ballot paper that when the latter is folded by a voter the impression can be seen without the ballot paper being opened. Ballots to be stamped

(3) The stamp shall be specially designated and made for the purpose of each election and shall be forwarded by the clerk of the Executive Council to the returning officer so as to reach him on or about the nomination day. Design of stamp

(4) The stamp shall show the name of the electoral division and the year of the election and shall be of such design that an impression made from it shall be readily recognizable. Stamp to show name of electoral division, etc.

153. The returning officer shall furnish each deputy returning officer with at least five copies of the printed directions (form 40) for the guidance of voters in voting and the deputy returning officer shall before or at the opening of the poll on the day of polling cause printed directions to be posted up in conspicuous places outside of the polling place and also in each compartment of the polling place. Copies of directions to voters to be furnished to deputy returning officer

POLL CLERK.

154. The deputy returning officer shall by commission under his hand (form 41) appoint a poll clerk to assist him in taking the poll; and the poll clerk before acting shall take and subscribe the oath (form 42). Appointment of poll clerks

(2) Every person appointed poll clerk who refuses to accept the office or who after accepting it refuses or neglects either to take and subscribe the oath or to perform the duties of a poll clerk shall incur a penalty not exceeding \$40. Penalty

155. The poll clerk shall assist the deputy returning officer in the performance of the duties of his office and shall obey his orders. Poll clerk to aid deputy returning officer

156. If the deputy returning officer refuses or neglects to perform the duties of his office or from any cause becomes unable to perform them and if no other deputy returning officer appointed by the returning officer appears at the polling place, the poll clerk under the same penalties as are hereinbefore imposed in like cases on a deputy returning officer shall act as deputy returning officer and perform all the duties and be subject to all the obligations of that office without taking the oath of a deputy returning officer. To act as deputy returning officer in certain cases

157. Where a poll clerk acts as deputy returning officer he may appoint by a commission under his hand (form 41) another person as poll clerk to assist him in the performance of the duties of his office and may administer to him the oath and such commission and oath shall be endorsed on or attached to the poll book. In which case he may appoint another poll clerk

Deputy
returning
officer may
appoint
another poll
clerk in
certain cases

158. If a poll clerk refuses or neglects to perform the duties of his office or from any cause becomes unable to perform them the deputy returning officer may appoint another person as poll clerk and the commission and the oath shall be endorsed on or attached to the poll book.

CONSTABLES.

Constable at
polling place

159. The deputy returning officer may appoint a constable to preserve order at the polling place; and every constable so appointed shall take and subscribe before the deputy returning officer or before some other person entitled to administer the same an oath in the following form:

"I,....., having been appointed constable to preserve order at the polling place at..... in the electoral division of do solemnly swear that I will truly, faithfully and impartially perform the duties appertaining to the said office according to the best of my skill and ability. So help me God."

WHERE VOTERS TO VOTE.

160. The provisions of this and the next following two sections do not apply to an election held pending completion of voters' lists.

Where voters
shall vote

(2) Each voter shall subject to the provisions of the next following section be entitled to vote only at the polling place of the polling subdivision upon the list of voters for which his name is entered as such voter and no other.

Penalty

(3) A person who votes in contravention of this section shall incur a penalty not exceeding \$200.

Deputy
returning
officers and
agents may
vote at polling
places where
they are
employed

161. The returning officer or election clerk on the request of any person entitled to vote who has been appointed deputy returning officer or poll clerk or agent of any of the candidates at a polling place other than the one where he is entitled to vote shall give to such person a certificate that he is entitled to vote at the polling place where he is stationed during the polling day and the certificate shall bear the date upon which it is signed.

Officers
and agents
voting where
stationed

(2) The returning officer or election clerk shall not give such certificate until he has ascertained by reference to the polling list that the applicant is entitled to vote and after giving such certificate he shall forthwith give notice in writing thereof to the deputy returning officer for the polling subdivision or polling place in which the applicant appears by the polling list to be entitled to vote, and the person to whom the certificate has been given shall not thereafter be entitled to vote in such polling subdivision or polling place.

Certificate to
agent, etc., to
vote where
stationed

(3) The returning officer or election clerk shall not be required to give a certificate under this section unless requested to do so at least twenty-four hours before the opening of the poll.

(4) The certificate shall name the polling place at which the agent is to be permitted to vote and shall be signed by the returning officer or election clerk.

(5) The returning officer or election clerk shall before delivering the certificate enter in a list the name, residence and occupation of every person to whom he has given a certificate under this section, the polling place at which such person is under the certificate authorized to vote and the polling subdivision or polling place in or at which such person appears by the polling list to be entitled to vote and state therein whether the certificate is granted to him as deputy returning officer, poll clerk or agent and if as agent the name of the candidate for whom he is agent. The returning officer or election clerk shall also enter in the list the name of every person applying for a certificate to whom it was refused with the ground of refusal and if the last mentioned person claimed to be the agent of a candidate the name of the candidate and the list shall be open to inspection by a candidate or by his agent or by a voter.

Returning officer to keep a list of persons obtaining certificates

(6) A returning officer or election clerk shall not give certificates to more than two agents of the same candidate at one polling place and he shall not give a certificate under this section except upon the personal or written request of the applicant; a returning officer or election clerk who gives a certificate in contravention of this subsection shall incur a penalty not exceeding \$400.

Limitations of number of certificates to agents of candidates

162. On the production of the certificate the voter shall have the right to vote at the polling place named therein; but the certificate shall not entitle a voter there unless he has been actually engaged there as deputy returning officer, poll clerk or agent during polling day.

On production of certificate of returning officer

(2) A person who receives a certificate whether as deputy returning officer, poll clerk or agent shall if required by the candidate or his agent before voting take the oath in form 43.

Person receiving certificate to take oath of qualification before voting

(3) The oath shall be administered to a deputy returning officer by the poll clerk and to a poll clerk or agent by the deputy returning officer.

Before whom oath to be taken

(4) The deputy returning officer shall enter or cause to be entered in the column for remarks in the poll book (form 27) opposite the name, residence and occupation of every person (including himself if he so votes) voting under the authority of a certificate, the words "voted under certificate."

Entry on list of persons voting under authority of a certificate

(5) A person voting under the authority of a certificate shall deliver it to the deputy returning officer before receiving his ballot paper.

Certificate to be delivered to deputy returning officer by person voting

(6) The deputy returning officer shall enclose all certificates in an envelope.

THE POLL.

163. In all polling places in cities the poll shall be opened at eight o'clock in the forenoon and shall be kept open until six o'clock in the afternoon of the same day, and the votes shall be given by ballot.

Hours of voting

(2) In all polling places outside of cities the poll shall be opened at nine o'clock in the forenoon and shall be kept open until five o'clock in the afternoon of the same day, and the votes shall be given by ballot.

164. The deputy returning officer shall attend at the polling place at least fifteen minutes before the hour fixed for opening the poll.

Counting
ballots before
opening
of poll

(2) During such fifteen minutes agents and voters entitled to be present in the polling place during polling hours shall be entitled to have the ballot papers intended for use thereat counted in their presence before the opening of the poll and to inspect such ballot papers and all other papers, forms and documents relating to the poll.

Deputy to show
box empty and
lock and seal it

165. The deputy returning officer shall immediately before opening the poll show the ballot box to such persons as are present in the polling place so that they may see that it is empty; and he shall then lock the box and place his seal upon it in such manner as to prevent it being opened without breaking the seal; and he shall then place and shall keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present and shall keep the box so locked and sealed.

One voter
only for each
compartment

166. Not more than one voter for each compartment shall at any one time enter the room where the poll is held and each voter upon so entering shall declare his name, place of residence and occupation which particulars shall be entered in the poll book by the poll clerk, a consecutive number being prefixed to the name.

Persons on
voters' list to
be allowed to
vote on taking
oath if required

167. Subject to the provisions of sections 162 and 177 the deputy returning officer shall not receive the vote of any person whose name is not entered on the polling list but shall receive the vote of every person whose name is entered thereon provided that such person if required by a candidate or his agent or by the deputy returning officer takes the oath (form 44).

Administration
of oath to
deputy return-
ing officer at
his polling
place

168. If a deputy returning officer votes at the polling place at which he has been appointed to act the poll clerk or in his absence the agent of a candidate authorized to be present may administer to him the oath to be taken by a voter.

Deputy
returning
officer must
swear voters in
certain cases

169. Where a deputy returning officer has reason to believe that a person offering to vote is not a qualified voter or has already voted or tenders his vote under a false name or designation or personates or represents himself falsely as being on the list the deputy returning officer shall administer the prescribed oath to the voter whether he has been required to do so or not.

(2) A deputy returning officer who acts in contravention of this section shall incur a penalty not exceeding \$200.

Entries to be
made in poll
book as to
voters

170. The poll clerk shall enter in the poll book opposite the name of each voter voting the word "voted" as soon as the ballot paper has been deposited in the ballot box and shall enter in the same book the word "sworn" or "affirmed" opposite the name of each voter to whom the oath has been administered and the words "refused to be sworn" or "refused to affirm" opposite the name of each voter who has refused to take any oath when he has been required so to do.

171. A person who has refused to take the oath when required so to do shall not receive a ballot paper or vote. Voters refusing to be sworn

(2) A deputy returning officer who receives such vote or causes the same to be received shall incur a penalty not exceeding \$200 and shall be liable to imprisonment for a term not exceeding six months.

172. Every person who is entitled to vote shall receive from the deputy returning officer a ballot paper on the back of which the deputy returning officer has previously put his initials so placed as indicated in form 39 that when the ballot is folded they can be seen without opening it on the back of the counterfoil of which he has placed a number corresponding to that placed opposite the voter's name in the poll book. Deputy to put initials on back of ballot paper and number on counterfoil

(2) The deputy returning officer shall also give the voter a black lead pencil for the purpose of marking his ballot which pencil shall be returned after using by the voter to the deputy returning officer.

173. The deputy returning officer shall upon request of the voter instruct him how to mark and fold his ballot paper but without inquiring or seeing for whom he intends to vote except in the case provided for by section 174. Instructions to voters

174. The deputy returning officer shall upon request of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act shall assist such voter by marking his ballot paper in the manner directed by such voter in the presence of the poll clerk and of the agents of the candidates or of the voter's representing the candidates in the polling place and of no other person. Voter incapacitated by blindness, etc.

(2) The deputy returning officer shall require the voter making such application before voting to take before him the oath. (form 45).

(3) The deputy returning officer shall enter in the column for remarks in the poll book opposite the voter's name the reason why such ballot paper was marked by him.

175. Where a voter does not understand the English language the deputy returning officer may employ an interpreter to translate the oath as well as any lawful question necessarily put to the voter and his answers; and the interpreter shall take the oath following: "I swear (or affirm) that I will faithfully translate such oaths, declarations, questions and answers as the deputy returning officer shall require me to translate at this election. So help me God." Voters who cannot speak English

(2) If no such interpreter is found or presents himself at the polling place the voter shall not be allowed to vote.

176. The voter on receiving his ballot paper shall forthwith proceed into one of the compartments of the polling place and there mark his ballot paper making a cross with a black lead pencil within the white space containing the name of the candidate for whom he intends to vote and shall then fold the ballot paper so that the initial and stamp on the back of it and the number Mode of marking, folding and depositing ballot paper

on the counterfoil can be seen without opening it and hand it to the deputy returning officer who shall without unfolding it ascertain by examining his initials and the stamp and the number of the counterfoil that it is the same ballot paper that he furnished to the voter and shall then in full view of all present including the voter remove the counterfoil and tear up or otherwise destroy it and place the ballot paper in the ballot box.

177. When a person whose name has been added to the voters' list under the provisions of section 100 of this Act is voting the deputy returning officer before receiving from him his marked ballot shall (if so requested by any agent or person representing any candidate) serve such person with a notice (form 57) to appear at a time and place to be named in the notice to answer to a charge of having voted contrary to the provisions of this Act and shall give a copy of such notice to the person or persons, so requiring such notice to be served.

(2) The said notice may be given on behalf of one or more candidates.

(3) The time appointed in such notice for such appearance shall not be less than two days after the poll day.

(4) After serving the notice provided in the preceding subsection the deputy returning officer shall—

- (a) Receive the ballot of the person desiring to vote;
- (b) Place it in an envelope marked "disputed ballot";
- (c) Securely seal the envelope;
- (d) Write upon it the name and place of residence of the person and his number as it appears in the poll book, the name and number of the polling place and his own name; and shall then
- (e) Deposit it in the ballot box.

(5) The poll clerk shall enter in the poll book (in the next line below, the particulars hereinbefore provided regarding the voter) and a statement of—

- (a) His having been served with such notice;
- (b) The name of the person or persons at whose request the notice was served;
- (c) The name of the candidate or candidates on whose behalf he or they were acting; and
- (d) The place, day and hour where the person is required to appear.

Voters to leave
as soon as
possible

178. The voter shall vote without undue delay and shall leave the polling place as soon as his ballot paper has been placed in the ballot box.

Exclusion
from balloting
compartment

179. While a voter is in a compartment for the purpose of marking his ballot paper no other person shall be allowed to enter the compartment or to be in a position from which he can see for whom the voter marks his ballot paper.

Voter not to
take his paper
from the
polling place,
etc.

180. A person who has received a ballot paper shall not take it out of the polling place; and a person who receives a ballot paper and leaves the polling place without delivering it to the deputy returning officer or returns his ballot paper declining to vote shall forfeit his right to vote and the deputy returning

officer shall make an entry in the poll book in the column for remarks to the effect that such person received a ballot paper but took it out of the polling place or returned it declining to vote, as the case may be; and in the latter case the deputy returning officer shall immediately write the word "declined" upon the ballot paper and shall preserve it to be returned to the returning officer.

181. If a person representing himself to be a voter applies for a ballot paper after another person has voted as such voter he shall be entitled to receive a ballot paper and to vote after taking the oath and otherwise establishing his identity to the satisfaction of the deputy returning officer. Voter who alleges he has been personated

(2) The name of the voter shall be entered on the poll book and a note shall be made of his having voted on a second ballot paper and of the fact of the oath having been taken and of any objections made on behalf of any and of which of the candidates. Name of voter, etc., to be entered in poll book

182. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used shall upon returning it to the deputy returning officer be entitled to obtain another ballot paper and the deputy returning officer shall immediately write the word "cancelled" upon the first mentioned ballot paper and preserve it to be returned to the returning officer. Ballot paper accidentally spoilt

183. A person who applies for a ballot paper shall by so doing be deemed to have tendered his vote or to have offered to vote; and a person who has placed or caused to be placed his ballot paper in the ballot box or has delivered it to the deputy returning officer or poll clerk for the purpose of having it placed in the ballot box shall be deemed to have voted. What shall be deemed a tender of a vote and a voting

184. In addition to the deputy returning officer the poll clerk, the constable or constables, the interpreter or interpreters, if any, the candidates and their agents not exceeding two in number for each candidate and in the absence of agents two voters to represent each candidate on the request of such voters and no other shall be permitted to remain in the polling place during the time the poll remains open and at the counting of the votes. Who may be in polling place, etc.

(2) An agent bearing a written authorization from the candidate shall always be entitled to represent him in reference to and to the exclusion of any two voters who might otherwise claim the right of representing such candidate.

185. Every voter shall on the day of polling for the purpose of voting be entitled to absent himself from any service or employment in which he is engaged or employed from the hour of noon until the hour of three of the clock next thereafter and a voter shall not because of his so absenting himself be liable to any penalty or suffer or incur any reduction from the wages or compensation to which but for his absence he would have been entitled: Right of employee to time for voting

Proviso

Provided that this section shall not apply where a voter is by his employer permitted or allowed at any other period during the hours of polling reasonable and sufficient time and opportunity to vote.

PROCEEDINGS AFTER THE CLOSE OF THE POLL.

Duties of
deputy
returning
officer after
close of poll

186. Immediately after the close of the poll the deputy returning officer shall first place all the cancelled and declined ballot papers in separate envelopes and seal them up and shall then count the number of voters whose names appear by the poll book to have voted and make an entry thereof on the line immediately below the name of the voter who voted last, thus:

"The number of voters who voted at this election in this polling place is (*stating the number*)," and he shall sign his name thereto; then in the presence and in full view of the persons entitled to be present he shall open the ballot box and proceed to count the number of votes for each candidate giving full opportunity to those present to examine each ballot, but he shall not then count the disputed ballots, if any, but shall deal with them as hereinafter provided.

What votes to
be rejected

187. In counting the votes the deputy returning officer shall reject all ballot papers (herein called "rejected ballot papers")—

- (a) Which have not been supplied by him; or
- (b) By which votes have been given for more candidates than are to be elected; or
- (c) Upon which there is any writing or mark by which the voter can be identified; but no word, letter or mark written or made or omitted to be written or made by the deputy returning officer on a ballot paper shall void the same or warrant its rejection.

Objections
to be noted

188. Save with respect to ballots dealt with as provided in section 177 the deputy returning officer shall make a note in the poll book of every objection taken to a ballot paper by a candidate or his agent or a voter present and shall decide the objection subject to review on recount.

(2) Each objection shall be numbered and a corresponding number placed on the back of the ballot paper and initialled by the deputy returning officer.

How ballots
to be counted

189. All the undisputed ballot papers not rejected by the deputy returning officer shall be counted and an account kept of the number of ballots cast for each candidate and of the number of rejected ballot papers and all the ballot papers indicating the votes given for each candidate respectively shall be put into separate envelopes or parcels.

Ballot papers
to be put into
parcels under
seal

(2) All disputed, rejected and unused ballot papers shall be put into separate envelopes which shall be endorsed so as to indicate the contents and shall be sealed by the deputy returning officer and any agent present may write his signature across the flap of the envelope or parcel and may also affix his seal.

Statement of
result to be
made by deputy
returning officer

190. The deputy returning officer shall make out a statement in triplicate (form 46), one part to remain attached to the poll

book, another to be retained by him and the third to be enclosed by him in a special envelope supplied for the purpose which he shall seal and deposit in the ballot box.

(2) The statement shall forthwith be signed by the deputy returning officer and poll clerk and such of the candidates or their agents as may be present and may desire to sign it.

(3) The deputy returning officer shall then deliver to each of the candidates or their agents or in the absence of the candidates and agents to the voters present representing the candidate a certificate (form 47) of the number of ballots counted for each candidate and of the number of rejected ballots and of the number of disputed ballots. Certificate of result of poll

191. The polling list, the envelopes containing the ballot papers and all other documents which served at the election, save the disputed ballots and the poll book, shall then be placed in the large envelopes supplied for the purpose which shall then be sealed with the seal of the deputy returning officer and the seals of such candidates or agents of candidates as desire to affix their seals and placed in the ballot box. Poll book, envelope, etc., to be placed in large envelope in ballot box

192. The poll clerk immediately after the completion of the counting of the votes shall take and subscribe the oath (form 49). The oath of poll clerk

193. The deputy returning officer shall then immediately lock and seal the box and shall enclose the key in an envelope to be supplied for the purpose and in the event of there being disputed ballots retain the box and the envelope containing the key in his own possession pending and during the inquiry as to disputed ballots hereinafter provided for, but in the event of there being no disputed ballots he shall forthwith personally deliver them to the returning officer and if he is unable to do so owing to illness or other imperative cause he shall deliver them to the poll clerk or where the poll clerk is unable to act to some person chosen by the deputy returning officer for the purpose of delivering them to the returning officer and shall thereon or on a ticket attached thereto write the name of the person to whom the box and key have been delivered and shall take a receipt therefor and the poll clerk or person so chosen shall forthwith personally deliver the ballot box and key to the returning officer and shall take before him the oath (form 50), and the deputy returning officer shall take and subscribe the oath (form 48A) and shall personally deliver or transmit it by registered post to the returning officer. Ballot box and key to be delivered to returning officer

194. The returning officer upon the receipt by him of any ballot box shall take every precaution for its safe keeping and for preventing any person other than himself and the election clerk from having access to it and shall immediately on the receipt of each box seal it with his own seal in such way that it cannot be opened without his seal being broken and without effacing or covering the seals affixed thereto. Duty of returning officer on receipt of boxes

COURT OF INQUIRY.

Time, place
and members
of court of
revision

195. At the time and place mentioned in the notice served upon any voter as provided in section 177 of this Act (which time shall be as soon as may be and the place and building to be used shall be the polling place or another building as near thereto as may be) the deputy returning officer sitting with a justice of the peace whom he shall select or such justice as may have been appointed to sit with him by the Lieutenant Governor in Council shall constitute a court of inquiry which shall hear and dispose of any objections to disputed ballots and for this purpose the deputy returning officer shall unlock the ballot box and take therefrom the envelope containing the disputed ballots and the poll book and shall relock the box.

Functions

Procedure

(2) The envelope containing the disputed ballots and the poll book shall be opened by the deputy returning officer in open court and he shall retain the custody of the said disputed ballots and poll book during the sittings of the court.

Powers of court

196. The court of inquiry shall for the purposes set forth in the preceding section have all the powers of a court of record as to the compelling the attendance of witnesses and their examination, the production of books and documents and the taking of evidence under oath at any sittings held by it and such court shall have generally for the purposes aforesaid all the powers of any court of record in the province.

Compelling
attendance
of witnesses,
production of
documents, etc.

197. The court of inquiry shall (on the application of any person who is supporting or opposing any objection, complaint or application which is to be considered by it) issue a summons (form 58) directed to any person required by such applicant as a witness thereat commanding such person to attend at such court or sittings and also commanding such person to bring any papers or articles in the possession or power of such person as may be required and to give evidence at such court or sittings relating to any matter connected with any such objection, complaint or application and (in the event of such person not so attending after being served with such summons and paid or tendered his proper witness fees according to tariff (a) of the schedule to this Act) may (on due proof of the service of the summons and of the payment or tender of the proper witness fees and on receiving from the person causing the witness to be summoned the fees for committing and conveying such witness to prison) commit such witness to the common gaol or other lawful place of imprisonment for a term not exceeding one month, and the fees for such commitment and conveyance shall be the same as when a person is committed to prison under a summary conviction.

Deposit to pay
witness fees

(2) Before any summons is issued requiring the attendance of a witness at the court of inquiry the person desiring the attendance of such witness shall furnish the deputy returning officer with such sum of money as will be sufficient to pay the fees of the said witness as provided in the said tariff.

Right of
voter to fees

198. The person whose right to have voted is the subject of objection shall not be paid witness fees until the court of inquiry

decides that he had a right to vote; and such witness fees shall be paid to the deputy returning officer at or before the opening of the said court by the person or persons at whose request the inquiry is held.

199. If the person whose right to vote is the subject of inquiry fails to appear personally or by agent according to the notice received by him on polling day, his vote shall be disallowed and he shall be liable for the costs of all witnesses summoned in respect to this case: Default of appearance by voter

Provided that any candidate or the agent of any candidate in the event of any person failing to appear in person or by agent shall have the right to act as the agent of such person, but in the event of the person whose right to vote is the subject of inquiry failing to appear personally the onus of proving that such person had the right to vote at the polling place at which he did vote shall be upon the agent so representing him. Voter may be represented by candidate or his agent

200. If at any time the person or persons at whose request the inquiry as to the rightfulness of any vote is being held notifies the deputy returning officer over his or their signature that he or they wish the inquiry as to such vote to cease or in case the witness fees mentioned in section 197 of this Act are not paid to the deputy returning officer as therein provided, the inquiry shall cease forthwith, and such person or persons shall pay all fees of witnesses summoned by the court of inquiry, and the expense of summoning such witnesses up to the time at which he or they gave notice that the inquiry should cease; and such vote shall be allowed. Withdrawal of complaint

201. In case any party to the inquiry requires a certified copy of the certificate of naturalization of any voter whose vote is in question to be produced at such inquiry, he shall deposit with the deputy returning officer the necessary fees for procuring the same from the clerk of the court or other officer with whom such certificate of naturalization is registered and a sum sufficient to cover postage and postal registration in sending for and forwarding such certified copy; and the deputy returning officer shall thereupon forthwith apply for and procure same, or send by registered letter prepaid addressed to such clerk or other officer the said fee and sum sufficient to cover the postage and postal registration to forward such certified copy, together with the address to which it is requested such certified copy shall be sent, and a request to forward such certified copy to such address; upon receipt of which registered letter, fees and postage such clerk or other officer shall forthwith by registered letter prepaid, addressed as requested, forward a certified copy of the certificate of naturalization. Proof of naturalization

(2) Nothing in this section contained shall be held in any way to affect as evidence the validity of a certificate of naturalization at any time issued to the voter whose vote is in question. Validity of certificate of naturalization as evidence

202. Any of the parties to any such inquiry may appear before the court of inquiry in person or by agent. Appearance in person or by agent

203. The question to be determined by the court of inquiry hereby constituted shall be whether any statement sworn to Question to be determined by court

under the provisions of this Act by the voter whose vote is the subject of the inquiry is false in whole or in part, and if false in part, in what respect it is so false.

(2) If it is proved to the satisfaction of the said court that any voter whose vote is the subject of inquiry has sworn to any such statement which is false in whole or in part, the vote of such voter shall be disallowed; but if it be proved to the satisfaction of such court that every such statement so sworn to by such voter is altogether true, such vote shall be allowed.

Burden of
proving truth
of statements
sworn to by
the voter

(3) The statements sworn to by the voter in support of his application to be placed on the voters' list shall, except where the voter fails personally to appear as hereinbefore provided, be assumed to be true and the burden of proving the same in whole or in part to be untrue, shall, save as aforesaid, lie upon the person challenging the vote, and the voter shall be at liberty to produce evidence in rebuttal to show that such statements sworn to by him are in fact true, and similarly the person challenging the right of a voter to vote may where the onus is upon the voter to prove his right to vote as hereinbefore provided, produce evidence in rebuttal to show that such voter either did not have the right to vote or did not have the right to vote at the polling place where he did so vote.

Decision to
be given in
open court

(4) The decision of the court of inquiry shall be rendered in open court, and if the members of the said court fail to agree it shall be so stated in open court.

Adjournment
of court

204. Whenever (by reason of the absence of witnesses or other reasonable cause) it is impossible to hold or to conclude the inquiry on the day stated in the notice given on polling day, the court of inquiry may cause the sitting to be adjourned from day to day until the inquiry is concluded:

Absence
of material
testimony

Provided that the said court (in case the adjournment is asked for on the ground of the absence of material testimony, documentary or otherwise) must be satisfied that the person whose duty it was to procure such testimony has used reasonable diligence to do so.

Court to
make returns
of decision
reached

205. The said court shall forthwith after concluding its labours make a return in duplicate of the decisions reached by it on the qualifications of the several voters whose right to vote is the subject of dispute; and if any vote has been disallowed it shall specify on what ground it has been disallowed; that is, if it has been disallowed on the ground that any statement sworn to by the voter is false it shall specify the statement; if on the ground that any such statement is false in part, it shall specify in what particular it is so false. The deputy returning officer shall place one duplicate return and all evidence and exhibits, duly certified to by both members of the court, together with the poll book in an envelope or envelopes and seal and initial same and return the envelope or envelopes to the ballot box. The other duplicate return shall be retained by the deputy returning officer.

(2) In case the members of the court of inquiry fail to agree as to whether a ballot paper should be allowed or disallowed the returning officer shall render a decision.

206. The deputy returning officer shall then immediately lock and seal the box and shall enclose the key in an envelope to be supplied for the purpose and forthwith personally deliver them to the returning officer and if he is unable to do so owing to illness or other imperative cause he shall deliver them to the poll clerk or where the poll clerk is unable to act to some person chosen by the deputy returning officer for the purpose of delivering them to the returning officer and shall thereon or on a ticket attached thereto write the name of the person to whom the box and key have been delivered and shall take a receipt therefor and the poll clerk or person so chosen shall forthwith personally deliver the ballot box and key to the returning officer and shall take before him the oath (form 50). Ballot box and key to be delivered to returning officer

207. Forthwith after the delivery of the books and key the deputy returning officer shall take and subscribe the oath (form 48b) and shall personally deliver or transmit it by registered post to the returning officer. Oath of deputy returning officer

208. The court of inquiry (or the returning officer when the decision is made by him) may award costs to or against any party to the application, which costs shall only be for witness fees and expenses of summoning witnesses according to the scale of fees in tariff (a) of the schedule to this Act; and moneys deposited under the provisions of section 201 hereof, and the said costs may be levied by order of the said court or the returning officer (as the case may be) by distress in the same manner as distress is leviable upon a warrant issued on a summary conviction. Court or returning officer may award costs

209. The expenses of holding the court of inquiry shall be charged as a part of the general expenses of the election. Expenses of court

210. The returning officer at the place, day and hour appointed by his proclamation and after having all the ballot boxes shall open them and shall first open the large envelopes containing the poll books and the disputed ballots and returns in respect thereof, if any, and render his decision regarding any ballot upon which the courts of inquiry respectively have failed to agree, having regard only to the evidence taken by the court of inquiry that examined into the same, he shall then open the sealed envelopes containing the statements of the polls and shall in the presence of the election clerk and of the candidates or their representatives if present, add up the votes given for each candidate from the statements of the polls and the returns of the courts of inquiry respectively and shall add thereto any votes allowed by him as to which any court of inquiry has failed to agree as hereinbefore provided and shall forthwith declare to be elected the candidate having the largest number of votes.

(2) The returning officer shall in the event of his disallowing any ballot as to which the court of inquiry has failed to agree state as in subsection 1 of section 205 of this Act on what ground he has disallowed the same.

211. Where on the addition of votes by the returning officer an equality of votes is found to exist between any two or more candidates and an additional vote would entitle any of them to be declared elected the returning officer shall give the Casting vote

additional or casting vote; but except as provided in this section and in subsection (4) of section 229 of this Act the returning officer shall not vote at the election.

PROCEEDINGS IN CASE OF LOSS OR INJURY OF POLLING BOOK OR OTHER DOCUMENTS.

Adjournment of proceedings where ballot box not duly delivered

212. If the ballot boxes are not all returned on the day fixed for adding up the votes the returning officer shall adjourn the proceedings to a subsequent day which shall be not more than a week later than the day originally fixed, and further like weekly adjournments may be made so, however, that the proceedings be not delayed for a longer period than two months from the day so originally fixed.

Where default made by deputy returning officer in returning documents

213. In case any deputy returning officer has not enclosed in the ballot box the statement of the ballot papers counted by him as required by this Act or if for any other cause the returning officer cannot at the day and hour appointed by him for adding up the votes ascertain the number of votes given for each candidate he may adjourn to a future day and hour the adding up of the votes and so from time to time; such adjournment or adjournments not in the aggregate to exceed two weeks.

Disappearance of ballot boxes, duty of returning officer

214. If the ballot boxes or any of them have been destroyed or lost or for any other reason are not forthcoming by the time fixed for adding up the votes the returning officer shall ascertain the cause and shall procure from each deputy returning officer whose ballot box is missing or from any other person having them the statements and certificates of the number of votes given for each candidate or copies of them, and the number and particulars of disputed ballots, if any, and of the result of the decisions of the court of inquiry upon the facts, if any, dealt with under the provisions of section 177, the whole to be verified by oath.

Procedure returning officer where lists, statements, etc., cannot be found

215. If the statements and certificates or any of them or copies of them cannot be procured the returning officer shall ascertain by such evidence as he is able to obtain the total number of votes given for each candidate at the several polling places, and the number and particulars of disputed ballots, if any, and of the result of the decisions of the court of inquiry upon the facts, if any, dealt with under the provisions of section 177, and may summon any deputy returning officer, poll clerk or other person to appear before him at a time and place to be named by him with all necessary papers and documents of which time and place and of the intended proceedings the candidates shall have notice; and the returning officer may examine on oath such deputy returning officer, poll clerk or other person respecting the matter in question.

When deputy returning officer has neglected to deliver statement of result

216. In case of an adjournment by reason of any deputy returning officer not having placed in the ballot box a statement of the ballot papers counted by him the returning officer shall in the meantime use all reasonable efforts to ascertain the number

of votes given for each candidate at the polling place of such deputy returning officer and shall have the powers conferred by the next preceding section.

217. The returning officer shall return the candidate or where two or more candidates are required to be elected from any electoral division the candidates to the required number having the largest number of votes and shall mention specially in a report to be sent with the return the circumstances accompanying the disappearance of the ballot boxes or the want of any statement as aforesaid and the mode by which he ascertained the number of votes given for each candidate. Special report by returning officer

RECOUNT OR FINAL ADDITION BY JUDGE.

218. If within eight days after that on which the returning officer has made addition of the votes for the purpose of declaring any candidate elected upon the application of a candidate or a voter it is made to appear by affidavit to the judge that a deputy returning officer has in counting the votes— Where recount may be had

- (a) Improperly counted any ballot paper; or
- (b) Improperly rejected any ballot paper; or
- (c) Made any incorrect statement of the number of ballots cast for any candidate; or
- (d) That the returning officer has improperly added up the votes; or
- (e) That the court of inquiry or the returning officer has improperly allowed or rejected any disputed ballots, and if the applicant deposits within the said time with the clerk of the court the sum of \$100 in legal tender or in the bills of any chartered bank doing business in Canada as security for the costs, Deposit of applicant

the judge may in writing appoint a time and place to hear and determine any appeal from the court of inquiry or the returning officer, and where same is asked to recount or finally add up the votes cast at the election:

Provided that where the application is limited to an appeal or appeals from the court of inquiry or returning officer and does not involve a recount the security for costs hereinbefore provided shall be \$10.

219. At least four days' notice in writing of the time and place appointed shall be given by the applicant to the candidates and to the returning officer and the election clerk and the notice so given shall state upon whose application the recount is being had, and the judge may at the time of the application or afterwards direct that service of the notice upon the returning officer and election clerk may be substitutional or may be made by mail or in such other manner as he thinks fit. Notice of time and place of recount

220. The returning officer after the receipt of the notice shall delay making his return to the clerk of the Executive Council until he receives a certificate from the judge of the result of the appeal, recount or final addition and upon receipt of the certificate shall proceed to make his return. Returning officer not to make return till receipt of certificate from judge

Presence of
clerk of court

221. The judge may require the clerk of the court to be present at the time and place appointed.

Summoning
officers to be
present with
documents

222. The returning officer and his election clerk shall attend at the time and place appointed with the envelope containing the ballot papers or the original statements of the poll, as the case may be, and also the envelopes containing all ballot papers, books, evidence, exhibits and other documents and the returns in respect thereof made under the provisions of section 205 of this Act.

Production
and custody of
ballot papers
on a recount

(2) The ballot papers and original statements and the ballot papers, books, evidence, exhibits and other documents and the returns referred to in subsection 1 hereof shall continue in the custody of the returning officer and he shall be responsible for them subject to any directions which the judge may give in respect thereto.

Who to be
present at
recount

223. The returning officer and the election clerk shall be present at the recount or final addition and each candidate shall be entitled to be represented by not more than three agents and may himself be present.

(2) Where a candidate is not represented any three voters who declare their desire to attend on his behalf shall be entitled to attend.

(3) Except with the sanction of the judge no other person shall be present.

Procedure
by judge

224. At the time and place appointed and in the presence of the said persons the judge shall (a) hear and determine appeals from the court of inquiry or returning officer in respect to disputed ballots.

(b) Make a final addition from the statements contained in the ballot boxes returned by the deputy returning officers or recount all the votes or ballot papers returned by the several deputy returning officers as the case may be, and shall in the case of a recount open all the sealed envelopes containing—

- (a) The used ballot papers which have been counted;
- (b) The rejected ballot papers;
- (c) The cancelled ballot papers;
- (d) The declined ballot papers;
- (e) The unused ballot papers.

Recount to be
proceeded with
continuously

225. The judge shall as far as practicable proceed continuously allowing only time for refreshment and excluding except so far as he and the persons present agree the hours between six o'clock in the afternoon and nine in the succeeding forenoon.

Care of
documents
during
proceedings

(2) During such excluded time and time for refreshments the judge shall place the ballot papers and other documents relating to the election close under his own seal and the seals of such of the persons present as desire to affix their seals and shall otherwise take all necessary precautions for the security of such papers and documents.

Rules to
govern judge
in proceeding

226. The judge shall in the case of a recount proceed according to the rules for the counting of the ballot papers at the close

of the poll by a deputy returning officer and shall verify and correct the statement of the poll (form 46).

(2) The judge may upon an appeal from the decision of the court of inquiry or returning officer as hereinbefore provided receive such oral evidence as may be adduced by any of the parties to the appeal in respect of the ballot paper or ballot papers appealed against in addition to the evidence taken by the court of inquiry but in the event of no such oral evidence being adduced hear and determine the appeal on the evidence taken by the court of inquiry.

227. Upon the completion of the recount the judge shall seal up all the ballot papers in their separate envelopes and upon the completion of a final addition he shall seal up the original statements in their respective envelopes. Sealing up ballots at close of recount

(2) Where either party requests him to do so the judge shall number on the back the disputed ballots and enclose them in a separate envelope.

228. The judge shall if necessary or required review the decision of the returning officer with respect to the number of votes given for a candidate at any polling place where the ballot box used was not forthcoming when he made his decision or when the proper statements or papers were not found therein. Reviewing decision of returning officer when ballot box or documents missing

(2) For the purpose of arriving at the facts the judge shall have all the powers of the returning officer with regard to the attendance and examination of witnesses or he may act upon the evidence taken by the returning officer.

229. The decision of the judge on all appeals from the courts of inquiry or the returning officer shall be final and if no recount or final addition has been demanded the judge shall certify the result to the returning officer forthwith who shall then forthwith declare to be elected the candidate having the largest number of votes, taking into account the result of the appeals. When judge to send in certificate

(2) When there has been a recount or final addition the judge shall delay sending his certificate to the returning officer for two days after the completion of the recount or final addition in order to allow of an appeal as hereinafter provided.

(3) If no notice of appeal is given to the judge within two days after the completion of the recount or final addition the judge shall certify the result to the returning officer forthwith who shall then forthwith declare to be elected the candidate having the largest number of votes.

(4) In case of an equality of votes the returning officer shall give the casting vote. Casting vote if judge certifies equality of votes

230. The costs of appeals and of the recount or final addition shall be in the discretion of the judge who may order by whom, to whom, and in what manner the same shall be paid. Costs

(2) The judge shall tax the costs and shall as nearly as may be follow the tariff of costs with respect to proceedings in the District Court. Taxing and allowing costs

231. When costs are directed to be paid by the applicant the moneys deposited as security for costs shall be paid out Deposit disposal of

Recovery of costs if deposit not sufficient

to the party entitled thereto so far as necessary. If the deposit is insufficient execution may issue out of the District Court upon the judge's order for the balance.

APPEAL FROM DECISION ON RECOUNT OR FINAL ADDITION.

Appeal from decision of judge on recount

232. If a party desires to appeal from the decision of the judge he may do so on giving within two days after the completion of the recount or final addition notice in writing to the opposite party and to the judge of his intention to appeal and he may by the notice limit the appeal to specified ballots.

Ballots, etc., to be forwarded to registrar of court of appeal

(2) When the appeal is limited the judge shall seal up the ballots which are the subject of appeal in a separate packet and shall forward them together with the notice and a certificate showing his findings as to the ballots in dispute by registered post to the registrar of the Supreme Court, but if the appeal is not limited the judge shall forward all the ballots papers and other papers to the said registrar and in either case he shall await the result of the appeal before sending his certificate to the returning officer. The judge shall upon request allow each party to make a copy of the certificate of his findings before it is forwarded to the registrar.

Appointment for hearing of appeal

(3) On receipt of the ballot papers and notice the registrar shall forthwith obtain an appointment from one of the judges of the Supreme Court for hearing the appeal and shall notify the parties or their solicitors of the time so appointed.

When appeal may be heard

(4) The time appointed for hearing the appeal shall not be more than ten days from the date of the appointment.

Procedure on hearing of appeal, certificate of result

(5) At the time appointed the judge of the Supreme Court shall recount the ballot papers or such of them as are the subject of appeal or review the final addition, as the case may be, and shall forthwith certify his decision to the judge of the District Court, whose duty it shall be to conform to the decision and to certify the result without delay to the returning officer.

Costs of appeal

(6) The judge of the Supreme Court may direct by and to whom the costs of the appeal shall be paid.

ELECTION RETURNS.

When return to be made

233. The returning officer shall immediately after the tenth day after the final addition by him of the number of votes given for each candidate unless before that time he receives notice that he is required to attend before a judge for the purpose of an appeal, recount, or final addition of the votes given at the election and where there has been an appeal, recount or final addition immediately after the receipt of the certificate of the result, transmit his return to the clerk of the Executive Council that the candidate or where two or more candidates are required to be elected from any electoral division the candidates to the required number having the largest number of votes has been duly elected and shall forward to each of the candidates a duplicate or copy thereof; and such return shall be in form 51.

(2) The returning officer shall accompany his return to the clerk of the Executive Council with a report of his proceedings in which he shall make any observations he thinks proper as to the state of the ballot boxes or ballot papers as received by him.

234. The returning officer shall at the same time transmit to the clerk of the Executive Council enclosed in a box or other covering, sealed with the seal of the returning officer the writ, the stamp furnished him for stamping the ballot papers, the list mentioned in subsection (5) of section 161, all the envelopes containing ballot papers in his possession, declarations of inability to read or to mark, poll books and all other documents sent to him by the deputy returning officers.

Returning officer to transmit to clerk of the Executive Council the ballot papers, etc.

(2) The returning officer shall endorse on the package a description of its contents and the date of the election to which they relate, and also the name of the electoral division for which the election was held and shall affix to the outside of the package a label showing distinctly the electoral division to which the contents relate and the date of the election.

(3) The package shall be sent by express or by registered post.

(4) An affidavit (form 52) shall be made by the returning officer forthwith after transmitting his return and shall be forthwith transmitted by him to the clerk of the Executive Council by registered post.

Oath of returning officer transmitting return

FAILURE TO MAKE RETURN.

235. If a returning officer wilfully delays, neglects or refuses—

- (a) To add up the votes; or
- (b) To declare to be elected the candidate or where two or more candidates are required to be elected from any electoral division the candidates to the required number having the largest number of votes; or
- (c) To give his casting vote where he is by law required to do so; or
- (d) To make the return as required by this Act of the candidate having the largest number of votes;

Application to compel returning officer to add up votes, make returns, etc.

the person aggrieved or any voter who voted at the election may apply to a judge of the Supreme Court for a mandamus commanding the returning officer to perform the duty which he is shown to have omitted.

(2) The notice shall be served upon the returning officer and upon any person who was a candidate at the election.

(3) In other respects the provisions of *The Judicature Ordinance* and the rules made thereunder shall apply to such application.

(4) Nothing in this section contained shall affect or impair any other right or remedy of the person aggrieved.

PUBLICATION OF RETURNS.

236. The clerk of the Executive Council shall on receiving the return of a member elected to the Assembly give in *The Alberta Gazette* notice of the receipt of the return and the name of the candidate elected.

Notice of return in Gazette

CUSTODY OF ELECTION PAPERS.

237. The clerk of the Executive Council shall, subject to the provisions of this Act, retain in his possession the documents

How long to be retained, and when to be destroyed

transmitted to him by a returning officer under section 234 for at least one year and if the election is contested then for one year after the termination of the contestation and shall then destroy them by fire.

How to be kept by clerk of the Executive Council

Marking boxes, when not to be destroyed

(2) The clerk of the Executive Council shall keep all documents relating to a general election in a room or vault separate from that in which documents relating to the bye-elections are kept.

(3) If notice of the presentation of a petition is received by the clerk of the Executive Council or if an order is made directing that documents relating to an election are not to be destroyed he shall affix to the outside of the box or covering containing such documents a label having thereon in large and distinct letters the words "Not to be destroyed."

INSPECTION OF DOCUMENTS, BALLOT PAPERS, ETC.

Inspection of other documents

238. All documents forwarded by a returning officer in pursuance of this Act to the clerk of the Executive Council other than ballot papers shall be open to public inspection at such time and under such regulations as may be prescribed by the clerk of the Executive Council with the approval of the Speaker of the Assembly; and the clerk of the Executive Council shall supply copies of or extracts from the documents to any person demanding the same on payment at the rate of ten cents for each one hundred words and in computing the number of words a figure shall be counted as a word.

Inspection to be under order of judge

When order to be granted

239. No person shall be allowed to inspect any ballot paper in the custody of the clerk of the Executive Council except under an order of a judge of the Supreme Court.

(2) The order may be made on the judge being satisfied by an affidavit or other evidence on oath that the inspection or production of such ballot paper is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of a petition questioning an election or return.

Conditions of order

(3) The order may be made subject to such conditions as the judge may think proper.

When inspection to take place

(4) Subject to the provisions of the order the inspection shall take place under the immediate supervision of the registrar of the Supreme Court at his office in the courthouse at Edmonton and he shall be present during the inspection. So long as the ballot papers are in the custody of the registrar and not under inspection they shall be kept in a secure place under lock and key.

Evidence as to documents, ballot papers, etc., in certain cases

240. Where an order is made by a judge of the Supreme Court for the production by the clerk of the Executive Council of any document in his possession relating to an election the production of it by the clerk or his agent in such manner as may be directed by the order shall be evidence that the document relates to the election; and any endorsement appearing on any envelope containing ballot papers so produced shall be evidence that the contents are what they are stated to be by the endorsement.

PRESERVATION OF THE PEACE.

241. Returning officers and deputy returning officers from the time they take the oath of office until the day after the closing of the election shall be conservators of the peace and shall be invested with all the powers appertaining to justices of the peace.

Returning officers and deputy returning officers to be conservators of the peace

242. A returning officer or deputy returning officer may require the assistance of the justices of the peace, constables and other persons to aid him in maintaining peace and good order at the election and may also swear in so many special constables as he may deem necessary, and such special constables shall subscribe and take the oath set out in section 159 of this Act.

Constables and justices of the peace

243. On a requisition in writing made by a candidate or by his agent or by two or more voters a returning officer or deputy returning officer shall swear in so many special constables as may be necessary.

Special constables to be sworn in in certain cases

244. A returning officer or deputy returning officer may arrest or by verbal order cause to be arrested and placed in the custody of any constable or other person any person disturbing the peace and good order at the election and may cause such person to be imprisoned under an order signed by him until an hour not later than the close of the nomination or of the poll, as the case may be.

Arrest and imprisonment on verbal order

245. A returning officer or deputy returning officer may during the nomination day and polling day require any person within half a mile of a place of nomination or of a polling place to deliver to him any fire arms, sword or offensive weapon in the hands or personal possession of such person.

Requiring delivery of weapons on nomination and polling days

246. Except the returning officer, the election clerk, the deputy returning officer, the poll clerk, and the constables and special constables appointed by the returning officer or the deputy returning officer for the orderly conduct of the nomination or poll and the preservation of the public peace thereat no person shall approach within the distance of one mile of a place of nomination or of a polling place armed with any firearm, sword, or offensive weapon unless called upon so to do by lawful authority.

Armed persons not to come within one mile of nomination or polling place

SECRECY OF PROCEEDINGS.

247. Every person in attendance at a polling place or at the counting of votes shall maintain and aid in maintaining the secrecy of the voting.

Maintaining secrecy of proceedings

248. No person shall interfere or attempt to interfere with a voter when marking his ballot paper or attempt to obtain at the polling place information as to the candidate for whom a voter is about to vote or has voted.

Interference with voters

(2) No person shall communicate any information obtained at a polling place as to the candidate for whom a voter at such polling place is about to vote or has voted.

Communicating information as to how voter is voting

Inducing
voter to
display
marked
ballot

249. No person shall directly or indirectly induce or attempt to induce a voter to show his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has voted.

Voter not
to display
marked
ballot

250. Subject to the provisions of section 174 a voter shall not show his ballot paper when marked to any person so as to allow the name of the candidate for whom he voted to be known.

Oath of
secrecy

251. Every returning officer and every officer, clerk, constable, agent and other person authorized to attend at a polling place or at the counting of the votes shall before entering on his duties take the oath of secrecy (form 53).

Proceedings
where officers
aware of
violation of
secrecy

252. If a returning officer, election clerk, deputy returning officer or poll clerk becomes aware or has reason to believe or suspect that any provision of the law as to secrecy has been violated he shall communicate the particulars with all convenient speed to the Attorney General.

(2) The Attorney General shall on receiving such information from such officer or from any other person forthwith inquire into the case and if proper prosecute the offender.

No one
compellable
to disclose
his vote

253. A person who has voted shall not in any legal proceeding questioning the election or return be compelled to state for whom he voted.

CORRUPT PRACTICES AND OTHER ILLEGAL ACTS.

Bribery, who
guilty of

Bribing voter
or procuring
bribery by
money

By gift or offer
or promise of
employment

To induce
anyone to
procure return
of candidate

254. Every person who—

- (a) Directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend or offers or promises any money or valuable consideration or promises to procure or to endeavour to procure any money or valuable consideration to or for any voter or to or for any person on behalf of any voter or to or for any person, in order to induce any voter to vote or refrain from voting or corruptly does any such act on account of any voter having voted or refrained from voting at an election; or
- (b) Directly or indirectly, himself or by any other person on his behalf gives or procures or agrees to give or procure or offers or promises any office, place or employment or promises to procure or endeavours to procure any office, place or employment to or for any voter or to or for any other person in order to induce any voter to vote or refrain from voting or corruptly does any such act on account of any voter having voted or refrained from voting at an election; or
- (c) Directly or indirectly, himself or by any other person on his behalf makes any gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person to serve in the Assembly or the vote of any voter at an election; or

- (d) Upon or in consequence of any such gift, loan, offer, promise, procurement or agreement procures or engages or promises or endeavours to procure the return of any person to serve in the Assembly or the vote of any voter at an election; or Receiving bribe to procure return of candidate
- (e) Advances or pays or causes to be paid money to or for the use of any other person with the intent that such money or any part thereof shall be expended in corrupt practices at an election or who knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election; or Advancing money to be spent in corrupt practices
- (f) Directly or indirectly, himself or by any other person on his behalf on account of and as payment for voting or for his having voted or for illegally agreeing or having agreed to vote for any candidate at an election or on account of and as payment for his having illegally assisted or agreed to assist any candidate at an election applies to such candidate or to his agent for the gift or loan of any money or valuable consideration or for the promise of the gift or loan of any money or valuable consideration or for any office, place or employment or the promise of any office, place, or employment; or Applying for money or employment in consideration of voting
- (g) Before or during an election directly or indirectly, himself or by any other person on his behalf receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place, or employment for himself or any other person for voting or agreeing to refrain from voting at an election; or Receiving money, office, etc., for having voted
- (h) After an election directly or indirectly, himself or by any other person on his behalf receives any money or valuable consideration for having voted or refrained from voting or for having induced any other person to vote or refrain from voting at an election; or Receiving money corruptly after election
- (i) In order to induce a person to allow himself to be nominated as a candidate or to refrain from becoming a candidate or to withdraw if he has become a candidate gives or procures any office, place or employment or agrees to give or procure or offers or promises to procure or endeavours to procure any office, place or employment for such person or for any other person; Giving or promising office to induce candidate to stand or withdraw

shall be guilty of bribery and shall incur a penalty of \$200 and shall also on conviction be imprisoned for a term of not less than one month and not more than six months with or without hard labour. Penalty

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election incurred by the candidate or any agent in good faith and without any corrupt intent shall be deemed to be expenses lawfully incurred and the payment thereof shall not be a contravention of this Act. Personal expenses of candidates

(3) The distribution by a candidate or his agent of political pamphlets or other political literature; or the sending or causing to be sent to voters by a candidate or his agent, newspapers Distribution of political literature

containing political articles, reports of political meetings or other matters of public interest shall not be deemed corrupt or illegal acts or a contravention of this Act.

Furnishing
entertainment
forbidden
except at
residence of
the person
furnishing

255. A candidate shall not nor shall any other person provide or furnish, meat, drink, refreshment or provision at the expense of such candidate or other person at a meeting of voters assembled for the purpose of promoting the election previous to or during the election or pay or promise or engage to pay therefor; but nothing herein contained shall extend to any meat, drink, refreshment or provision furnished to any such meeting of voters by or at the expense of any person at his usual place of residence where such residence is a private house.

Penalty

(2) Every person offending against the provisions of this section shall be guilty of a corrupt practice and shall incur a penalty not exceeding \$100.

Treating

256. Every candidate who corruptly, himself or by or with any person or by any other way or means on his behalf at any time either before or during an election directly or indirectly gives or provides or causes to be given or provided or is accessory to the giving or providing or pays wholly or in part any expenses incurred for any meat, drink, refreshment or provision to or for any person in order to be elected or for being elected or for the purpose of corruptly influencing such person or any other person to vote or refrain from voting at an election shall be guilty of a corrupt practice and shall incur a penalty not exceeding \$200 in addition to any other penalty to which he may be liable therefor.

Giving
refreshments
prima facie
evidence of a
corrupt practice

(2) The giving of meat, drink, refreshment or provision to voters extensively or generally by a candidate or by his agent or the taking part therein by either of them or giving the same wholly or partly at the expense of a candidate or his agent shall *prima facie* be a corrupt practice within the meaning of this section.

Habit of
treating not
sufficient
answer

(3) It shall not be sufficient answer to a charge of a corrupt practice under this section that the person charged had been in the habit of treating.

Wagering
or betting

257. A candidate who before or during the election makes a bet or wager or takes a share or interest or in any manner becomes a party to a bet or wager upon the result of the election in the electoral division or in any part thereof or on any event or contingency relating to the election shall be guilty of a corrupt practice.

(2) A candidate or other person who provides money to be used by another in betting or wagering upon the result of the election in the electoral division or any part thereof or on any event or contingency relating to the election shall be guilty of a corrupt practice.

(3) A person who for the purpose of influencing an election makes a bet or wager on the result thereof in the electoral division or in any part thereof or on any event or contingency relating thereto shall be guilty of a corrupt practice.

Conveying
voters to poll

258. A candidate who himself, or by any other person on his behalf and every person who—

(a) Hires or promises to pay or pays for a conveyance to carry a voter to or near or from or on the way to or from a polling place; or

(b) Pays the travelling or other expenses of a voter in going to or returning from a polling place;

and every person who for a valuable consideration provides or furnishes a conveyance knowing that it is to be used to carry a voter other than the hirer to or near or from or on the way to or from a polling place shall be guilty of a corrupt practice and shall incur a penalty of \$100, and if a voter shall be disqualified from voting at the election; but this subsection shall not apply to the carrying of voters to the poll in the conveyance mentioned in clause (e) of subsection (2) of section 293.

(2) Every person who provides or furnishes transportation on any railway free of charge or at a diminished rate to a voter to or near or from or on the way to or from a polling place and whether passes or tickets or the like are or are not supplied shall be guilty of a corrupt practice and shall incur a penalty of \$100 and if a voter shall be disqualified from voting at the election. Furnishing transportation to voters

(3) "Conveyance" for the purpose of this section shall include a horse, team, carriage, cab, vehicle, boat or vessel. Conveyances

259. The giving or causing to be given to a voter on the nomination day or on polling day on account of his being about to vote or having voted any meat, drink, refreshment or provision or any money, ticket or order to enable him to procure the same shall be a corrupt practice and the person so offending shall incur a penalty of \$10. Providing refreshments on nomination day or polling day

260. Every person who directly or indirectly, himself or by any other person on his behalf uses or threatens to use force, violence or restraint or inflicts or threatens to inflict injury, damage, harm or loss or in any manner practises intimidation upon or against a voter in order to induce or compel him to vote or refrain from voting or on account of his having voted or refrained from voting, or who by abduction, duress or false or fraudulent pretence, device or contrivance impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter or thereby compels, induces or prevails upon a voter to vote or refrain from voting shall be guilty of a corrupt practice and shall incur a penalty of \$200 or to imprisonment for a term not exceeding one year. Undue influence

(2) It shall be a false pretence within the meaning of this section to represent to a voter directly or indirectly that the ballot to be used or the mode of voting at an election is not secret. Pretence that ballot is not secret

261. A person who at an election applies for a ballot paper in the name of some other person whether that name be that of a person living or dead or of a fictitious person or who having voted applies at the same election for a ballot paper in his own name or who votes more than once at the same election shall be guilty of the offence of personation. Personation, definition of

(2) A person who commits or who directly or indirectly aids or abets, counsels or procures the commission of the offence Penalty

of personation shall be guilty of a corrupt practice and shall incur a penalty of \$400 and shall also on conviction be imprisoned for one year.

Procuring
appointment
as deputy
returning
officer or
poll clerk
by fraud

262. A person who procures an appointment as deputy returning officer or poll clerk by false pretence, deceit or other improper means or who acts as deputy returning officer without lawful authority shall be guilty of a corrupt practice and shall incur a penalty of \$400 and shall also on conviction be imprisoned for one year.

Appointing
persons as
election officers
who have been
guilty of
corrupt
practices

263. A person who knowingly appoints an election clerk, a deputy returning officer or a poll clerk who has at any time been found guilty by a competent tribunal of corrupt practices shall be guilty of corrupt practice and shall incur a penalty of \$400.

Voting by
persons not
entitled to
vote to be
a corrupt
practice

264. A person who votes knowing that he has no right to vote and a person who induces or procures any other person to vote knowing that such person has no right to vote shall be guilty of corrupt practice and shall incur a penalty of not less than \$50 nor more than \$200.

Publishing
false statement
of withdrawal
of candidate

265. A person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or securing the election of another candidate shall be guilty of a corrupt practice and shall incur a penalty of not less than \$50 and not more than \$1,000 but the election of a candidate shall not be avoided by reason of a contravention of this section unless committed by him or by his agent.

False
statement as
to character
of conduct of
candidate

266. Any person who before or during any election for the purpose of affecting the returns of any candidate at such election makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate shall be liable to a penalty not exceeding \$500 and costs and not less than \$100 and costs and to imprisonment for one month.

CONSEQUENCE OF CORRUPT PRACTICES.

267. If an election court determines and reports that a corrupt practice has been committed by a candidate or by his agent whether with or without the actual knowledge and consent of the candidate the election of the candidate shall except in the case mentioned in section 268 be void.

When court
finds candidate
not personally
guilty and
offence
unimportant

268. If the election court determines that an agent of the candidate was guilty of a corrupt practice that would otherwise render the election void and further finds that—

- (a) No corrupt practice was committed at such election by the candidate personally and that the corrupt practice of the agent was committed contrary to the order and without the sanction or connivance of the candidate;
- (b) The candidate took all reasonable means for preventing the commission of corrupt practices at such election;

(c) The corrupt practice was of a trivial, unimportant and limited character; and that

(d) In all other respects so far as disclosed by the evidence the election was free from any corrupt practice on the part of the candidate and his agent;

then the election of the candidate shall not by reason of the corrupt practice be void.

269. Subject to the provisions of subsection (2) of this section where an election court determines and reports that corrupt practice has been committed by or with the actual knowledge and consent of a candidate then in addition to his election if he has been elected being void the candidate during the eight years next after the date of his being so found guilty shall be incapable of being elected to and sitting in the Legislative Assembly or any municipal council and of being entered on any voters' list or registered as a voter and of voting at an election and of holding any office at the nomination of the Crown or any municipal office.

Candidate guilty of corrupt practice incapable of being elected, etc.

(2) If the election court finds that an act constituting in law a corrupt practice was committed by a candidate or with his actual knowledge and consent but without any corrupt intent and in an ignorance which was involuntary and excusable and that the evidence showed that the candidate honestly desired and in good faith endeavoured as far as he could to have the election conducted according to law the candidate shall not be subject to the penalties and disabilities which he would otherwise incur under the next preceding subsection.

Corrupt practice committed in excusable ignorance

270. Every person other than a candidate found guilty of a corrupt practice in a proceeding in which after notice of the charge he has had an opportunity of being heard or who upon his own evidence given on the trial of a petition has been found to have been guilty of a corrupt practice and has been reported therefor unless such finding and report have been reversed or set aside on appeal under *The Controverted Elections Act* shall during the eight years next after the date of his being found guilty be subject to the penalties and disabilities mentioned in section 269.

Disqualification of persons other than candidates

(2) No person shall be subject to the penalties and disabilities referred to in subsection (1) by reason of—

Exemptions

(a) A mere technical breach of law; or

(b) An act not being an intentional violation of law.

271. If an election is set aside and a second election had the second election shall be deemed to be a new election and shall not be avoided by reason of corrupt practices committed at the former election other than the personal acts of the candidate or of his agent done with his actual knowledge and consent:

Where second election held as result of protest Effect of corrupt practices at first election

Provided always that the new election shall not be avoided for corrupt practices by the candidate at the former election or affecting the same which were not set up and proved at the trial and so adjudged by the election court as by law to involve the penalties and disabilities mentioned in section 269.

Election of candidate to be void for employing agent previously found guilty of corrupt practice

272. If on the trial of an election petition a candidate is proved personally to have engaged any person as a canvasser or agent knowing that he has within eight years previous to such engagement been found guilty by a competent tribunal of or reported by an election court for a corrupt practice the election of such candidate shall be void.

Removal of disqualification on proof that disqualification was procured by perjury

273. If at any time after a person has become disqualified the witnesses or any of them on whose testimony he has become disqualified are convicted of perjury in respect of such testimony the Supreme Court sitting *en banc* upon the motion of the person disqualified and upon being satisfied that such disqualification was procured by reason of perjury may order that the disqualification shall thereafter cease and determine.

Executory contracts arising out of elections to be void

274. Every executory contract, promise or undertaking in any way referring to, arising out of or depending upon an election even for the payment of lawful expenses or the doing of a lawful act shall be void.

No statutory penalty for corrupt practice where the party charged has first presented a party jointly liable

275. No pecuniary penalty or forfeiture shall be recoverable for a corrupt practice if it appears that the person charged and another person or other persons were together guilty of the act charged either as giver and receiver or as accomplices or otherwise and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the corrupt practice but this provision shall not apply if the court or judge before whom the person claiming the benefit thereof is charged certifies that it clearly appears that the person so charged took the first step towards the commission of the offence and that he was in fact the principal offender.

OFFENCES AND PENALTIES.

Returning officers, etc., wilfully falsifying or altering list of voters to incur penalty

276. A returning officer, deputy returning officer, or other person whose duty it is to deliver poll books or who has the custody of a certified list of voters, polling list or poll book who wilfully makes any alteration or insertion in or omission from or in any way wilfully falsifies such certified list, polling list or poll book shall be guilty of a corrupt practice and shall incur a penalty of \$2,000 and shall also on conviction be imprisoned for one year.

Offences relating to ballot papers

277. Every person who—

- (a) Fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer thereon; or
- (b) Fraudulently and without authority supplies a ballot paper to any person; or
- (c) Fraudulently places in a ballot box a paper other than the ballot paper which he is authorized by law to place therein; or
- (d) Fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him by the deputy returning officer; or

- (e) Fraudulently takes a ballot paper out of the polling place; or
- (f) Fraudulently and without authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purposes of an election; or
- (g) Fraudulently uses the authorized stamp for any purpose other than the stamping of ballot papers or not being a returning officer fraudulently has in his possession any such stamp or any counterfeit or imitation thereof; or
- (h) Being a deputy returning officer fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election; or
- (i) With fraudulent intent prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or
- (j) Being authorized by the returning officer to print the ballot papers for an election with fraudulent intent prints more ballot papers than he is authorized to print; or

(k) Attempts to commit any offence mentioned in this section: shall be disqualified from voting at any election for a term of eight years thereafter and liable if he is a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election to imprisonment without the alternative of fine for a term not exceeding two years and not less than six months with or without hard labour and if he is any other person to imprisonment for a term not exceeding one year and not less than three months with or without hard labour.

278. A person who wilfully and maliciously destroys, injures or obliterates or causes to be destroyed, injured or obliterated a writ of election or a return to a writ of election or a poll book, voters' list, list of voters, polling list, certificate or affidavit prepared or drawn according to or for the purpose of meeting the requirements of this Act or any of them shall incur a penalty of \$2,000 and shall also on conviction be imprisoned for one year.

Persons unlawfully destroying, etc. documents relating to elections, etc.

(2) A person who aids, abets, counsels or procures the commission of a violation of the next preceding subsection, shall be guilty of a corrupt practice and shall incur a penalty of \$2,000 and shall also on conviction be imprisoned for one year.

Abettors punishable

279. Any person unlawfully taking down, covering up, mutilating, defacing or altering any proclamation, notice or other document required to be posted up under any of the provisions of this Act shall be liable to a penalty not exceeding \$100 and costs and not less than \$25 and costs or in default of payment of such penalty and costs to imprisonment for a term not exceeding six months and not less than one month with or without hard labour and if the person so offending is a registrar, deputy registrar, returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged under the provisions of this Act he shall be liable to a penalty not exceeding \$500

Persons covering up, taking down, etc., notices

and costs and not less than \$100 and costs or in default of payment of such penalty and costs to imprisonment for a term not exceeding one year and not less than three months with or without hard labour.

(2) A copy of subsection (1) of this section shall be printed in large type either upon every such proclamation, notice, list of voters or other documents or shall be printed as a separate notice and posted up where it can be easily read close to such proclamation, notice or other document.

Penalty for deputy returning officer omitting to initial ballots

280. A deputy returning officer who omits to put his initials on the back of a ballot paper in use for the purpose of an election or who puts on any ballot paper any word, letter, figure or mark not required by this Act shall incur a penalty of \$20 in respect of every such ballot paper.

Deputy returning officer or poll clerk neglecting duties

(2) A deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by sections 186 to 193 shall for each refusal or neglect incur a penalty not exceeding \$200.

Wilful misconduct in counting ballots, etc.

281. A deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise makes up a false statement of the poll shall be guilty of a corrupt practice and shall incur a penalty of \$200 and one month's imprisonment.

Penalty for refusing to give up arms

282. A person who upon demand refuses to deliver up to a returning officer or deputy returning officer any weapon as provided in section 245 shall incur a penalty of \$20.

Penalty for carrying arms

283. A person offending against any of the provisions of section 246 shall incur a penalty of \$100.

Penalty for violating secrecy

284. A person who acts in contravention of sections 247, 248, 249 or 250 shall be liable on conviction to imprisonment for any term not exceeding six months.

Money penalty for offences

285. Every officer engaged in the election who is guilty of a wilful act or omission in contravention of this Act shall in addition to any other penalty or liability to which he may be subject forfeit to any person aggrieved thereby a sum not exceeding \$400.

PROSECUTIONS.

Proceedings for enforcement of Act

286. Proceedings for the imposition of punishment by fine, penalty or imprisonment for any violation of any of the provisions of this Act shall be brought summarily before the judge of the District Court of the judicial district in which such violation was committed, sitting and acting as a justice of the peace under the provisions of part XV of *The Criminal Code*, and the provisions of said part XV of *The Criminal Code* shall, except as herein specially excepted, apply *mutatis mutandis* to such proceedings.

Appeal from District Court in certain cases

(2) No appeal shall lie from the decision of a District Court judge under the provisions of this section, save only in cases involving offences declared to be corrupt practices and punishable by imprisonment alone or in addition to a pecuniary penalty or fine, in which cases there shall be an appeal from a conviction

to the Supreme Court *en banc*; and the provisions with respect to appeals contained in the said part XV of *The Criminal Code* shall apply *mutatis mutandis* to such appeals.

287. In any proceeding it shall not be necessary at the hearing to produce the writ of election or the return thereto or the authority of the returning officer founded upon the writ of election but general evidence shall be sufficient. Writ need not be produced at trial

288. The certificate of the returning officer to that effect shall constitute proof of the election having been held and of the fact of any person therein stated to have been a candidate having been such candidate; and such facts may also be proved by parole evidence. Certificates of returning officer to be sufficient proof of holding election

289. Any pecuniary penalty, fine or sum of money which an accused person has been ordered to pay shall belong to the general revenue fund of the province. Pecuniary penalty belongs to general revenue fund

290. In the event of suspension or delay at any stage of such proceedings the court before which the matter is pending may permit one or more persons to intervene and carry on such proceedings to a final determination. Court may allow person to interview

291. Proceedings for violation of the provisions of this Act shall be commenced within six months next after the violation of this Act was committed by act or omission and not afterwards. Limitation of proceedings

ELECTION EXPENSES.

292. Every candidate shall appoint an official agent whose name and address shall be declared in writing to the returning officer on or before the nomination day. Appointment of official agent

(2) In the event of the death or incapacity of an official agent the candidate shall forthwith appoint another official agent in his place and give notice to the returning officer of the name and address of the person appointed which shall be forthwith published by the returning officer. On death or incapacity of an agent, appointment of another

293. No payment, except with respect to the personal expenses of a candidate and no advance, loan or deposit shall be made by or on behalf of a candidate before, during or after the election on account of the election otherwise than through his official agent. Payments not to be made except through agent

(2) "Personal expenses" when used in this section shall include the following expenses and payment therefor may lawfully be made by the candidate personally— Personal expenses of candidate, what to include

- (a) Reasonable and *bona fide* rent or hire of halls or other places used by the candidate personally in which to address public meetings of voters; and the expenses incurred in heating, lighting and cleaning the same;
- (b) Reasonable, ordinary and necessary travelling and living expenses of the candidate;
- (c) Reasonable, ordinary and necessary travelling and living expenses of one speaker for each meeting who accompanies the candidate and travels with him for

the purpose of speaking at a public meeting to be addressed by the candidate;

- (d) Reasonable and ordinary charges for the hire and keep of horses and hire of conveyances for the use of the candidate in travelling to and from public meetings and in canvassing in the electoral division and reasonable and ordinary charges for the services and maintenance of a driver;
- (e) Reasonable and ordinary charges for use by the candidate personally of not more than one conveyance and the services of a driver on the polling day.

nus probandi

(3) The onus of showing that the personal expenses paid by the candidate were fair, reasonable and proper and not in excess of what is ordinarily paid for similar services and accommodation shall be upon the candidate.

Receipt of
ordinary and
reasonable
charges, when
not to dis-
qualify voter

(4) The contracting for or the receipt of the ordinary and reasonable charges—

- (a) By the owner or possessor of a hall or room in which to hold *bona fide* public meetings for the purposes of the election; or
- (b) By a printer for printing voters' lists, election addresses or advertisements or notices of election meetings; or
- (c) By any person for the hire of horses and vehicles used in connection with and for the proper purposes of the election and not for carrying voters;

shall be lawful and shall not disqualify him from voting.

Claims
on candidate
in receipt of
any election
when to be
sent in to
agent

294. Every person who has any claim against a candidate for or in respect to an election shall send in such claim within one month from the day of the declaration of the result of the election to the official agent of the candidate otherwise he shall be barred of his right to recover the same.

Case of death
of person
making claim

(2) In case of the death within the said month of any person having such claim his legal representatives shall send it in within one month after probate or administration has been obtained otherwise the right to recover the same shall be barred.

Case of death
of agent

(3) In case of the death of the official agent or of his incapacity to act and no other agent having been appointed such claim may be sent in or delivered to the candidate.

Agent not to
pay without
authority of
candidate

(4) No such claim shall be paid without the authority of the candidate and the approval of the official agent.

Payment of
lawful accounts
rendered after
one month
from election

295. Notwithstanding anything in the next preceding section contained any claim which would have been payable if sent in within one month of the day of the declaration may be paid by the candidate through his official agent after that time if such claim is approved by the judge. All claims allowed by the judge shall within one week thereafter be advertised by the returning officer at the expense of the candidate in the same newspaper in which the statement of the other election expenses were published.

A detailed
statement
of election
expenses, etc.,
to be sent to
returning

296. A detailed statement of all election expenses incurred by or on behalf of a candidate including payments in respect of his personal expenses shall within two months after the election (or where by reason of the death of the creditor no claim has

been sent in within such period of two months then within one month after such claim has been sent in) be made out and signed by the official agent who has paid the same (or by the candidate in case of payments made by him) and delivered with the bills and vouchers relating thereto to the returning officer.

(2) The returning officer within fourteen days after receiving the statement shall publish at the expense of the candidate an abstract thereof in a newspaper published or circulating in the electoral division and the returning officer shall mail a copy of the said statement to the clerk of the Executive Council.

(3) An agent or candidate who makes default in delivering the statement to the returning officer shall incur a penalty not exceeding \$25 for every day during which he makes default.

(4) An agent or candidate who wilfully furnishes to the returning officer an untrue statement shall incur a penalty of \$400.

(5) The returning officer shall preserve all such bills and vouchers and shall during the six months next after they have been delivered to him permit any voter to inspect the same on payment of a fee of twenty-five cents.

FEEES AND EXPENSES.

297. The compensation of returning officers and other persons employed at or with respect to elections under this Act and all expenses consequent thereupon shall be paid by the Provincial Treasurer out of the general revenue fund of the province but only such sums as shall be determined by the Lieutenant Governor in Council and no more shall be allowed or paid for such services and expenses.

(2) All accounts for compensation of services and expenses payable under the provisions of this section shall be rendered in duplicate duly certified to and accompanied by satisfactory vouchers showing disbursements made, if any, and shall be forwarded for payment as herein provided to the clerk of the Executive Council at the City of Edmonton.

GENERAL.

298. The Lieutenant Governor in Council may make such rules and regulations as he may deem necessary for giving effect to this Act and for carrying out the provisions thereof according to its intent and meaning.

299. The Lieutenant Governor in Council may from time to time whenever it is necessary so to do vary any of the forms in the schedule to this Act or may cause to be adopted any other form or forms which he considers applicable to any special case or class of cases for which a form has not been provided in the schedule to this Act.

300. Chapter 3 of The Consolidated Ordinances of the North-West Territories, 1898, intituled "*The Territories Elections Ordinance*," and all amendments thereto, are hereby repealed.

SCHEDULE.

The following is the schedule of forms referred to in this Act:

FORM 1.

(Section 15.)

PROCLAMATION FOR MAKING AND REVISION OF LISTS OF VOTERS.

CANADA: }
PROVINCE OF ALBERTA. }

Edward the Seventh by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

PROCLAMATION.

To all to whom these presents shall come, Greeting:

Whereas, pursuant to the provisions of *The Alberta Election Act*, it has been determined to make and revise a list of voters in and for the several electoral divisions of the Province of Alberta and it is necessary for the said purpose to issue a proclamation containing the information hereinafter set forth;

Now, therefore, we have thought fit and do hereby pursuant to the powers and authority contained in *The Alberta Election Act* proclaim the following: (*Here shall follow the particulars required pursuant to section 15 of The Alberta Election Act.*)

In testimony whereof we have caused these our letters to be made patent and the Great Seal of our said Province of Alberta to be hereunto affixed.

Witness our right trusty and well beloved, His Honour, Lieutenant Governor of our said Province of Alberta.

At our Government House in our City of Edmonton in our said Province of Alberta this day of in the year of our Lord one thousand nine hundred and and in the year of our reign.

By command,

.....
Provincial Secretary.

FORM 2.

(Section 16.)

NOTIFICATION TO REGISTRAR.

To C.D. (*insert residence and occupation*).

Know you that, under the provisions of *The Alberta Election Act* you have been appointed Registrar for the Electoral Division of (*here state name of the Electoral Division*).

Given under my hand at the City of Edmonton in the Province of Alberta this day of A.D. 190

A.B.,
Clerk of the Executive Council.

FORM 3.

(Section 16.)

NOTIFICATION TO REVISING OFFICER.

To His Honour District Court Judge.

Know you that under the provisions of *The Alberta Election Act* you have by virtue of your office been appointed Revising Officer for the purpose of adding to and revising the list of voters in and for the Electoral Division

of.....and that for the purpose named you are possessed of all the powers and authority in that behalf contained in *The Alberta Election Act*.

Given under my hand at the City of Edmonton, in the Province of Alberta, this.....day of.....A.D. 19.....

A.B.,
Clerk of the Executive Council.

FORM 4.

(Section 18.)

FORM OF REGISTER.

Electoral Division of.....

Polling Subdivision No.....

(First Page.)

LIST OF PERSONS REGISTERED AS VOTERS OR APPLYING THEREFOR BUT REFUSED.

No.	Name	Residence of person. (Give street and number if possible)	Occupation or profession	"Allowed" or "disallowed"	Remarks

FORM 5.

(Sections 19 and 33.)

Electoral Division of.....

Polling Subdivision No.....

INTERROGATORIES TO BE ANSWERED BY PERSONS APPLYING TO BE REGISTERED VOTERS.

N.B.—In view of the uncertain knowledge of applicants for registration generally as to the limits and boundaries of the several polling subdivisions, the deputy registrar should before writing any answer refer to section 33 of *The Alberta Election Act*, under which it is the duty of the deputy registrar (1) to direct the attention of the applicant to form 10 as to the limits and boundaries of polling subdivisions; (2) to satisfy himself by verbally putting interrogatory No. 2 that the applicant is actually resident within one of the polling subdivisions for which such deputy registrar is acting; and (3) if such applicant is not so resident, to inform such applicant as to the name and address of the deputy registrar to whom application should properly be made.

1. What is your Christian name, surname, place of residence, occupation and post office address? <i>(Street and number of house to be given if possible.)</i>	1.
2. Do you now reside in Polling Subdivision No.....of the Electoral Division of.....for which you now apply to be registered? On what premises do you reside?	2.
3. Are you of the male sex and of the full age of twenty-one years?	3.
4. Are you a British subject by birth or naturalization? State which.	4.
5. Have you resided in the Province of Alberta for one year immediately prior to.....? <i>(Here insert the date fixed for the closing of the registration of voters under the provisions of The Alberta Election Act.)</i>	5.
6. Have you resided and had your fixed habitation in this Electoral Division for a continuous period of three months immediately prior to.....? <i>(Here insert the date of the closing of the registration of voters under the provisions of The Alberta Election Act.)</i>	6.
<i>(The following interrogatory is to be put in case the applicant has not been a resident of the electoral division in which he is at present residing for a continuous period of three months immediately prior to the date of the closing of the registration of the voters under the provisions of the Alberta Election Act but seeks registration in the electoral division in which he formerly resided.)</i>	
7. Have you resided and had your fixed habitation in this Electoral Division for a continuous period of three months during the said period of one year?	7.
8. Are you in any respect disqualified from being registered a voter in this Electoral Division under <i>The Alberta Election Act</i> ?	8.
9. Have you applied for and been registered in this or any other Electoral Division in Alberta during the current year?	9.

Canada,
Province of Alberta, }
To Wit:

I, *(name in full)*, of.....in the Province of Alberta *(occupation)*, do solemnly declare that the foregoing answers in writing to the above interrogatories are true and correct in substance and

in fact, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at..... }
 in the said province this..... }
 day of..... A.D. 19..... }

A.B.,

Registrar or Deputy Registrar.

Electoral Division of.....

Polling Subdivision No.

FORM 6.

(Sections 19 and 33.)

Electoral Division of.....

Polling Subdivision No.

INTERROGATORIES TO BE ANSWERED BY PERSON ON BEHALF OF A PERSON
 UNABLE OWING TO PHYSICAL DISABILITY TO ATTEND PERSONALLY TO
 APPLY FOR REGISTRATION AS A VOTER.

N.B.—In view of the uncertain knowledge of applicants for registration generally, as to the limits and boundaries of the several polling subdivisions, the deputy registrar should before writing any answer refer to section 33 of *The Alberta Election Act* under which it is the duty of the deputy registrar (1) to direct the attention of the applicant to form 10 as to the limits and boundaries of polling subdivisions; (2) to satisfy himself by verbally putting interrogatory No. 2 that the applicant is actually resident within one of the polling subdivisions for which such deputy registrar is acting; and (3) if such applicant is not actually so resident to inform such applicant as to the name and address of the deputy registrar to whom application should properly be made.

1. What is the Christian and surname, place of residence, occupation and post office address of the applicant for registration? (Street and number to be given if possible.)	1.
2. Does he now reside in Polling Subdivision No. of the Electoral Division for which he now applies to be registered a voter? On what premises does he reside?	2.
3. What is your Christian name and surname, place of residence and post office address? (Street and number to be given if possible.)	3.
4. What is the relationship between yourself and the applicant?	4.
5. Is the applicant of the male sex and of the full age of twenty-one years?	5.
6. Is the applicant a British subject either by birth or naturalization? State which.	6.
7. Has he resided in the Province of Alberta for one year immediately prior to (here insert the date of the closing of the registration of voters under the provisions of <i>The Alberta Election Act</i>)?	7.

8. Has the applicant resided or had his fixed habitation in this Electoral Division for a continuous period of three months immediately prior to (here insert the date of the closing of the registration of voters under the provisions of *The Alberta Election Act*)?

8.

(The following Interrogatory is to be put in case the applicant has not been a resident of the Electoral Division in which he is at present residing for a continuous period of three months immediately prior to the date of the closing of the registration of the voters under the provisions of *The Alberta Election Act* but seeks registration in the Electoral Division in which he formerly resided.)

9. Did the applicant reside and have his fixed habitation in this Electoral Division for a continuous period of three months during the said period for one year?

9.

10. Is he in any respect disqualified from being registered as a voter in this Electoral Division under this Act?

10.

11. What is the nature of the physical disability that prevents the applicant from applying personally to be registered a voter within this Electoral Division?

11.

12. Has the applicant applied for and been registered a voter in any other Electoral Division in Alberta during the current year?

12.

STATUTORY DECLARATION.

Canada } I (name in full), of
Province of Alberta, } in the Province of Alberta (*occupation*), do solemnly
To wit: } declare the foregoing answers in writing to the
above interrogatories are true and correct in substance and in fact; that
I make this solemn declaration conscientiously believing it to be true and
knowing that it is of the same force and effect as if made under oath and
by virtue of *The Canada Evidence Act*.

Declared before me at..... }
in the said province this..... }
day of..... A.D. 19..... }

A.B.,

Registrar or Deputy Registrar.

Electoral Division of.....
Polling Subdivision No.....

FORM 7.

(Sections 19 and 33.)

Electoral Division of.....
Polling Subdivision No.....

INTERROGATORIES TO BE ANSWERED BY PERSON ON BEHALF OF A PERSON
UNABLE TO ATTEND PERSONALLY TO APPLY FOR REGISTRATION AS A
VOTER BY REASON OF BEING TEMPORARILY AND UNAVOIDABLY ABSENT.

N.B.—In view of the uncertain knowledge of applicants for registration
generally as to the limits and boundaries of the several polling subdivisions

the deputy registrar should therefore before writing any answer refer to section 33 of *The Alberta Election Act* under which it is the duty of the deputy registrar (1) to direct the attention of the applicant to form 10 as to the limits and boundaries of polling subdivisions; (2) to satisfy himself by verbally putting interrogatory No. 2 that the applicant is actually resident within one of the polling subdivisions for which such deputy registrar is acting; and (3) if such applicant is not so resident to inform such applicant as to the name and address of the deputy registrar to whom application should properly be made.

1. What is the Christian and surname, place of residence, occupation and post office address of the applicant for registration? (Street and number to be given if possible.)	1.
2. Does he now reside in Polling Subdivision No. of the Electoral Division for which he now applies to be registered a voter? On what premises does he reside?	2.
3. What is your Christian and surname, place of residence, occupation and post office address? (Street and number to be given if possible.)	3.
4. What is the relationship between yourself and the applicant?	4.
5. Is the applicant of the male sex and of the full age of twenty-one years?	5.
6. Is the applicant a British subject either by birth or naturalization? State which.	6.
7. Has he resided in the Province of Alberta for one year immediately prior to (here insert the date of the closing of the registration of voters under the provisions of <i>The Alberta Election Act</i>)?	7.
8. Has the applicant resided or had his fixed habitation in this Electoral Division for a continuous period of three months immediately prior to (here insert the date of the closing of the registration of voters under the provisions of <i>The Alberta Election Act</i>)?	8.
(The following Interrogatory is to be put in case the applicant has not been a resident of the Electoral Division in which he is at present residing for a continuous period of three months immediately prior to the date of the closing of the registration of voters under the provisions of <i>The Alberta Election Act</i> but seeks registration in the Electoral Division in which he formerly resided.)	
9. Did the applicant reside and have his fixed habitation in this Electoral Division for a continuous period of three months during the said period of one year?	9.

10. Is he in any respect disqualified from being registered as a voter in this Electoral Division under the provisions of *The Alberta Election Act*?

10.

11. What is his business and is he at present absent from the province with respect thereto and unable to apply personally to be registered a voter within this Electoral Division?

11.

12. Has the applicant applied for and been registered a voter in any other Electoral Division in Alberta during the current year?

12.

Canada } I (*name in full*), of
Province of Alberta, } in the Province of Alberta (*occupation*), do solemnly
To wit: } declare that the foregoing answers in writing to
the above interrogatories are true and correct in substance and in fact; and
I make this solemn declaration conscientiously believing it to be true and
knowing that it is of the same force and effect as if made under oath and
by virtue of *The Canada Evidence Act*.

Declared before me at..... }
in the said Province this..... }
day of..... A.D. 19..... }

A.B.,
Registrar or Deputy Registrar.

Electoral Division of.....
Polling Subdivision No.....

FORM 8.

(Section 22.)

OATH OF REGISTRAR.

I, the undersigned, appointed registrar for the Electoral Division of
....., do solemnly swear (or affirm) that I will
faithfully discharge and perform all the duties of the office without partiality,
fear, favour or affection and in every respect according to law. So help
me God.

Sworn (or affirmed) before me at..... }
in the Province of Alberta, this..... } A.B.,
day of..... A.D. 19..... } *Registrar.*

A Commissioner, etc. (or, as the case may be.)

FORM 9.

(Section 22.)

COMMISSION OF DEPUTY REGISTRAR.

To C.D. (*Set forth his residence and occupation*).

Know you that in my capacity of Registrar for the Electoral Division
of..... under the provisions of *The Alberta Election
Act* I do hereby appoint you to be a deputy registrar in and for the polling
subdivisions numbers.....
to act in that capacity according to law.

Given under my hand this..... day of.....
A.D. 19.....

A.B.,
Registrar.

FORM 10.

(Section 23.)

REGISTRATION OF VOTERS.

Electoral Division of.....

Public notice is hereby given—

1. That pursuant to the proclamation of the Lieutenant Governor in Council in that behalf it has been determined to make and revise a list of voters for each polling subdivision in the Electoral Division of.....

2. That registration sittings will be held from..... day of..... to the..... day of..... 19....., until..... day the.....

day of..... 19....., both inclusive between the hours of nine o'clock in the forenoon and nine o'clock in the afternoon with intermissions from half past twelve o'clock to two o'clock and from six o'clock to half past seven o'clock.

N.B.—The time from half past seven o'clock until nine o'clock in the afternoon shall so far as possible be set apart for the registration of working men.

If a list of voters is to be compiled pursuant to sections 46 to 50 both inclusive of *The Alberta Election Act* insert after the word "that" in the first line of the above paragraph the following:

In polling subdivisions numbers..... to..... both inclusive hereinafter mentioned (being polling subdivisions included within the limits of a city constituency, city or town).

3. That all persons desiring to be registered as voters must apply personally at the place hereinafter stated except in case of sickness, physical disability, temporary and unavoidable absence in which case the provisions of sections 36 and 37 of *The Alberta Election Act* shall apply.

The list prepared under the foregoing provisions will be subject to objection and revisions as provided by *The Alberta Election Act*.

4. That the names, boundaries and limits of the said polling subdivisions numbers..... to..... inclusive and the places where registration sittings will be held in each polling subdivision are respectively as follows, that is to say: (*Here insert the necessary information somewhat as follows:*)

Polling subdivision No. (*give name*) in the city (town or village) of..... consisting of (*here fill in the description concisely*) at R. J. Robinson's office, 205 Central Avenue.

(*In case a list of voters of polling subdivisions not included within the limits of a city constituency, city or town is being compiled pursuant to sections 46 to 50 both inclusive of The Alberta Election Act the following paragraph shall be added:*)

5. That in polling subdivisions numbers..... to..... both inclusive hereinafter mentioned (being polling subdivisions not included within the limits of a city constituency, city or town) each deputy registrar will compile a list of voters by process of enumeration subject to final revision by the court of revision; that no personal application for registration shall be necessary; and that the names, boundaries and limits of the said polling subdivisions numbers..... to..... both inclusive are respectively as follows, that is to say: (*Here insert the necessary information somewhat as follows:*)

Polling Subdivision No. (*give name*) consisting of townships four and five in range six west of the fourth meridian (*or as the case may be*).

A.B.,
Registrar.

Electoral Division of.....

FORM 11.

(Section 23.)

REGISTRATION OF VOTERS.

Take notice that under the provisions of the following sections 10 to 12 both inclusive of *The Alberta Election Act* only the following persons are

entitled to be registered and to vote at an election of a member to serve in the Legislative Assembly of Alberta, that is to say:

(Here insert sections 10 to 12 both inclusive of *The Alberta Election Act.*)

A.B.,

Registrar.

Electoral Division of.....

FORM 12.

(Section 25.)

OATH OF DEPUTY REGISTRAR.

I, the undersigned, appointed Deputy Registrar for Polling Subdivision No..... in the Electoral Division of..... do solemnly swear (or affirm) that I will faithfully discharge and perform all the duties of the office without partiality, fear, favour or affection and in every respect according to law. So help me God.

Sworn (or affirmed), etc.

A.B.,

Deputy Registrar.

FORM 13.

(Section 35.)

CERTIFICATE OF DEPUTY REGISTRAR OF REFUSAL TO INSERT NAME OF APPLICANT FOR REGISTRATION IN REGISTER.

Electoral Division of.....

Polling Subdivision No.....

I,..... Deputy Registrar for Polling Subdivision No..... in the Electoral Division of..... do hereby certify that I refused favourably to entertain the application of..... for the registration of the name of..... as a voter of Polling Subdivision No..... of the Electoral Division of..... for the following reasons (*here state reasons*):

Given under my hand this..... day of..... A.D. 19.....

A.B.,

Deputy Registrar.

Electoral Division of.....

Polling Subdivision No.....

FORM 14.

(Section 36.)

NOTICE TO DEPUTY REGISTRAR BY PERSON UNABLE TO APPLY FOR REGISTRATION OWING TO SICKNESS OR OTHER PHYSICAL DISABILITY.

To the Deputy Registrar of Polling Subdivision No..... of the Electoral Division of.....

Take notice that I, (*name, etc., in full*) of..... claim to be entitled to be registered as a voter in Polling Subdivision No..... of the Electoral Division of.....

That my place of residence is (*give residence*);

That I am physically unable to apply personally for registration as aforesaid;

That I am entitled to be registered and to become a voter in and for the said Polling Subdivision No. of the said Electoral Division of

Dated this day of A.D. 19.....
A.B.

FORM 15.

(Section 36.)

NOTICE TO DEPUTY REGISTRAR BY ABSENTEE.

To the Deputy Registrar of Polling Subdivision No. of the Electoral Division of

Take notice that I, (*name in full*) of claim to be entitled to be registered a voter in Polling Subdivision No. of the Electoral Division of

That my place of residence is (*state residence*);

That I am now and have been temporarily and necessarily absent from my place of residence, since the day of 19....., and no longer in the pursuit of my usual calling or occupation (*or by reason of the following cause, viz., stating it*);

That I am entitled to be registered and become a voter in and for the said Polling Subdivision No. of the said Electoral Division of

Dated this day of A.D. 19.....
C.D.

FORM 16.

(Sections 44 (1) and 52.)

LIST OF VOTERS.

Electoral Division of
Polling Subdivision No.

No.	Name	Occupation	Residence (Street and House Number)	Post Office Address	Remarks

FORM OF CERTIFICATE ON CONCLUDING PAGE.

I, Deputy Registrar of Polling Subdivision No. in the Electoral Division of do hereby certify that the names of the persons set forth above, numbered pages to inclusive, are the names of all the persons and of no others who attended before me and were registered

as voters in said polling subdivision at the registration sittings held by me therein on the (*give dates*) and that the occupations and residences of such persons are truthfully shown.

Dated at this day of
A.D. 19.....

A.B.,
Registrar or Deputy Registrar.

Electoral Division of.....
Polling Subdivision No.....

FORM 17.

(Sections 45 (2) and 49 (3).)

NOTICE.

Electoral Division of.....
Polling Subdivision No.....

Take notice that objections or complaints may be made by any of the persons mentioned in clauses 1, 2, 3 or 4 of section 32 of *The Alberta Election Act* and by any person entitled to be registered as a voter to the retention of any name or names set forth in the above list by delivering or transmitting by registered post to the Deputy Registrar for Polling Subdivision No..... in the Electoral Division of directed to him at post office on or before the day of A.D. 19....., a notice in writing in the case of each objection or complaint setting forth the grounds of such objection or complaint and giving the name and post office address of the person objected to.

NOTE.—Each objection or complaint shall be in respect of one name only in each case.

And further take notice that on the day of A.D. 19....., at the hour of o'clock in the noon at (*name of court house, town hall or other building*) in the of (*city, town or village*) in the Province of Alberta, a court of revision will be held to hear and determine any and all applications to add names to and any and all objections against the retention of any name or names on the above list of voters for Polling Subdivision No..... in the Electoral Division of

Dated this day of A.D. 19.....
A.B.,

Registrar.

Electoral Division of.....
Polling Subdivision No.....

FORM 18.

(Section 48.)

LIST OF VOTERS.

Electoral Division of.....
Polling Subdivision No.....

Name	Occu- pation or addition	Residence (Give street and number and section if possible)	Post Office Address	Remarks

I certify that the foregoing is a true copy of the list of voters in Polling Subdivision No. of the Electoral Division of as made by me during the current year.

Dated this day of A.D. 19.....

A.B.,

Registrar or Deputy Registrar.

Electoral Division of.....

Polling Subdivision No.....

FORM 19.

(Section 51 (2).)

NOTICE TO PERSON OBJECTED TO.

Electoral Division of.....

Polling Subdivision No.....

You are hereby notified that an objection or complaint has been filed with me to the retention of your name on the list of voters prepared by me pursuant to section 44 (or 48 as the case may be) of *The Alberta Election Act* for this Polling Subdivision and that a sitting of the court of revision to revise the list of voters for Polling Subdivision No..... of the Electoral Division of..... will be held at in the (city, town or village, or as the case may be) commencing at..... o'clock in the..... noon on the..... day of..... A.D. 19....., when and where such objection or complaint will be heard, of which you are hereby required to take notice and to govern yourself accordingly.

A.B.,

Registrar or Deputy Registrar.

To (give address).

N.B.—This notice must be sent by registered post.

FORM 20.

(Sections 52 and 86.)

Canada
Province of Alberta }
To wit:

I, of the of in the Province of Alberta, (occupation), make oath and say:

1. That I have set down in the list of voters appended hereto for (describe the polling subdivision for which the deponent is deputy registrar), according to the best of my knowledge, information and belief, the name of every person entitled to be entered thereon;

2. That I have not entered upon the said list the name of any person which I had any reason to know or believe ought not to be entered thereon;

3. That I have not intentionally omitted from the said list the name of any person which I had any reason to know or believe ought to be entered thereon;

4. That I have to the best of my knowledge and belief discharged the duties required of me by *The Alberta Election Act*;

5. That after posting notices as required by section 47 of *The Alberta Election Act* and before preparing the said lists I personally visited every house or other dwelling place in the said polling subdivision and made careful inquiry at all such houses as to the names of all persons entitled to be placed upon said list as required by section 48 of the said Act.

Sworn before me at the
of in the Province of
Alberta this day of
A.D. 19.....

A in and for the Province of

FORM 21.

(Section 52.)

FORM OF CERTIFICATE OF DEPUTY REGISTRAR ON TRANSMITTING BOOKS,
ETC., TO REGISTRAR.

Electoral Division of.....
Polling Subdivision No.....

I,..... Deputy Registrar of Polling Subdivision
No..... of the Electoral Division of.....
do hereby certify that the accompanying books, documents, papers and
notices constitute and comprise all the books, documents, papers and notices
in my possession relating to and used by me at the registration of voters
in Polling Subdivision No..... and that the list of names appear-
ing in the register forming part of such books comprises the names of all
and only the persons who were by me registered as voters in the said polling
subdivision and is true in substance and in fact.

Dated at..... this..... day
of..... A.D. 19.....

A.B.,
Deputy Registrar.

Electoral Division of.....
Polling Subdivision No.....

FORM 22.

(Section 58 (2).)

Electoral Division of.....
Polling Subdivision No.....

To (here insert name), Deputy Registrar of Polling Subdivision No.....

You are hereby notified that the dates on, the place or places at, and the
hours between which a court of revision will be held for the Electoral Division
of..... are as follows: (here give the necessary infor-
mation applicable to each electoral division).

A.B.,
Registrar.

Electoral Division of.....

FORM 23.

(Section 64.)

ORDER FOR ATTENDANCE OF WITNESS AT COURT OF REVISION.

Electoral Division of.....

To (here insert name, occupation and residence).

I do order you and each of you personally to attend before the court of
revision to be held on..... the.....
day of..... 19..... at..... o'clock in the
..... noon at..... in the.....
of..... in the Province of Alberta and then and there
to testify what you and each of you may know concerning the complaint
or application then to be investigated by the said court and so on from day
to day, and you and each of you shall bring with you and each of you the
papers herein particularly described, that is to say:

Given under my hand at..... this.....
day of..... 19....., under The Alberta Election Act.

A.B.,
Revising Officer.

FORM 24.

(Section 75.)

CERTIFICATE OF REVISING OFFICER.

Canada
Province of Alberta }
To wit:

Electoral Division of

I,, the undersigned revising officer for the Electoral Division of do hereby declare and certify that the sittings of the court of revision for the purpose of adding to and revising the list of voters for the Electoral Division of have been held by me pursuant to and in strict compliance with the statutory requirements in that behalf and that all necessary corrections have been made therein and the names of all persons entitled to be registered as voters who so applied have been added thereto and that the said list as revised by me now is and constitutes the list of qualified voters in and for the said Electoral Division of and is now in full force and effect.

Given under my hand at in the Province of Alberta, this day of A.D. 19.....

A.B.,

Revising Officer.

FORM 25.

(Section 108.)

WRIT OF ELECTION.

Canada
Province of Alberta. }

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith.

To of in the Province of Alberta, greeting:

Whereas, by advice of our Executive Council of our Province of Alberta, we have ordered a Legislature to be holden at our City of Edmonton on the day of next. (*Omit this preamble in case of a bye-election.*)

We command you that, notice of the time and place of election being given, you do cause an election to be held according to law of a member to serve in the Legislative Assembly of our said Province of Alberta for the Electoral Division of (*in case of a bye-election insert here "in the place of deceased," or otherwise state cause of vacancy*), and that you do cause a nomination of candidates at such election to be held on the day of next, and that in the event of a poll being granted you do cause a poll to be taken on the day of 19..... and do cause the name of each member or members so elected whether he be present or absent to be certified to our clerk of the Executive Council as by law directed.

In testimony whereof we have caused these our letters to be made patent and the Great Seal of our said Province of Alberta to be hereunto affixed.

Witness our trusty and well beloved Lieutenant Governor of our Province of Alberta, at our City of Edmonton, this day of in the year of our reign and the year of our Lord 19.....

By order,

.....
Clerk of the Executive Council.

(Endorsement.)

Received the within writ on being the day of 19.....

1910 (2nd Session), c. 2, s. 22.

.....
Returning Officer.

FORM 26.

(Section 109.)

(To be put up at all Polling Places.)

NOTICE AS TO SECRECY OF VOTING.

It is the sworn duty of every person in attendance at this polling place or at the counting of the votes not to attempt to ascertain how any person is about to vote or has voted and not to communicate any information obtained at the polling place which may enable or assist any person to ascertain how any person has voted.

It is further the sworn duty of every such person by all proper means to maintain and aid in maintaining the absolute secrecy of the polling at this polling place.

Any person who acts in contravention of his duty in any of the said particulars is liable to imprisonment for any term not exceeding six months.

By *The Alberta Election Act* it is further provided that no person shall destroy, take, open or otherwise interfere with any ballot box or book or packet of ballot papers or a ballot paper or ballot in use for the purposes of the election or shall attempt to do so and that any returning officer, deputy returning officer or other officer engaged in the election who is guilty of any violation of that provision shall be liable to imprisonment for three years and any other person guilty of such violation to imprisonment for one year.

The said Act further provides that in addition to every other penalty and liability any officer engaged in the election who is guilty of any wilful misfeasance or any wilful act or omission in contravention of the Act shall forfeit to any person aggrieved thereby the sum of \$400.

A.B.,

Clerk of the Executive Council.

FORM 27.

(Section 111.)

POLL BOOK.

Consecutive No.	NAMES OF VOTERS	Place of Residence	Post office address	Occupation	Objections	Sworn or affirmed	Refused to swear or affirm or to answer	Voted To indicate that voter has voted	REMARKS

FORM 28.

(Section 111 (2).)

Electoral Division of.....

To *(here insert name)*, Deputy Returning Officer of Polling Place No.....

You are hereby notified that the limits and boundaries of the several polling subdivisions of the Electoral Division of..... are as follows:

Polling Subdivision No. (give name) (here state limits and boundaries concisely).
 Polling Subdivision No. (give name) (here state limits and boundaries concisely).
 Polling Subdivision No. (give name) (here state limits and boundaries concisely).
 Polling Subdivision No. (give name) (here state limits and boundaries concisely).
 Polling Subdivision No. (give name) (here state limits and boundaries concisely).
 Polling Subdivision No. (give name) (here state limits and boundaries concisely).

A.B.,
 Returning Officer.

Electoral Division of.

FORM 29.

(Sections 120 and 123.)

OATH OF RETURNING OFFICER.

I, A.B., Returning Officer for the Electoral Division of swear (or solemnly affirm) that I am legally qualified to act as returning officer for the said Electoral Division and that I will act faithfully in that capacity, without partiality, fear, favour or affection. So help me God.

Sworn (or affirmed) before me at
 the of
 in the Province of Alberta, this
 day of 19..... } A.B.,
 Returning Officer.

.....
 A Commissioner, etc. (or as the case may be).

FORM 30.

(Section 121.)

PROCLAMATION OF THE RETURNING OFFICER DECLARING THE TIME AND PLACE FOR THE NOMINATION OF CANDIDATES AND THE DAY FOR OPENING THE POLL.

PROCLAMATION.

Electoral Division of

Public notice is hereby given that in obedience to His Majesty's writ to me directed and bearing date the day of 19....., I require the presence of the voters at (the town hall, or as the case may be), in the (city, town or village, as the case may be) in the Electoral Division of on the day of 19....., from noon until two o'clock in the afternoon, for the purpose of nominating a person to represent them in the Legislative Assembly; and notice is further given that in case a poll is demanded and allowed in the manner by law prescribed such poll will be opened on the day of 19..... from the hour of nine o'clock in the forenoon until five o'clock in the afternoon, and in cities from eight o'clock in the forenoon until six o'clock in the afternoon, as follows:

For the polling subdivision No. 1, consisting of (or bounded as follows: or otherwise describing it clearly) at (describing the polling place and so continuing for all the other polling subdivisions and polling places in the electoral division).

And further that at (describe place where votes will be added up) on the day of at the hour of I shall open the ballot boxes, add up the votes given for the several candidates and declare to be elected the one (or as the case may be) having the largest number of votes.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

God save the King.

Given under my hand at.....this.....
day of....., in the year 19.....

1910 (2nd Session), c. 2, s. 22.

A.B.,
Returning Officer.

FORM 31.

(Section 124 (1).)

COMMISSION OF ELECTION CLERK.

To *E.F.*, (set forth his residence and occupation).

In my capacity of returning officer for the Electoral Division of.....
.....I hereby appoint you to be my election clerk to act
in that capacity at the approaching election for the said Electoral Division
which election will be opened by me on the.....day of
.....19....., (the date to be inserted here is the day of
nomination).

Given under my hand this.....day of.....
19.....

A.B.,
Returning Officer.

FORM 32.

(Section 125.)

OATH OF ELECTION CLERK.

I, *E.F.*, appointed election clerk for the Electoral Division of.....
.....swear (or solemnly affirm) that I am legally qualified
to act as election clerk, and that I will act faithfully in that capacity and
also in that of returning officer if required to act in that capacity without
partiality, fear, favour or affection. So help me God.

Sworn (or affirmed) before me at..... }
the.....of..... } *E.F.*
in the Province of Alberta, this..... } Election Clerk.
day of.....19..... }

.....
A Commissioner, etc. (or as the case may be).

FORM 33.

(Section 137.)

NOMINATION PAPER.

We the undersigned voters of the Electoral Division of.....
.....hereby nominate (name, residence and occupation of the
person nominated and present location if absent from the electoral division)
as a candidate at the election now about to be held of a member to represent
the said electoral division in the Legislative Assembly of Alberta. (If the
person nominated is absent from the electoral division it must be stated here.)

Witness our hands this.....day of.....19.....

(Signature, with residence and occupation.)

Signed by the above subscribing voters before me,

A.B.,
Justice of the Peace, Commissioner
for Oaths, Notary Public, or
Returning Officer (as the case
may be).

I, the said C.D., nominated in the foregoing nomination paper hereby consent to such nomination. My address for service is (*here insert the address for service in accordance with the requirements of The Alberta Election Act*).

.....
Name of candidate.

(Name of witness to
candidate's signature, E.F.)

FORM 34.

(Section 143.)

WITHDRAWAL OF CANDIDATE.

Electoral Division of

I,, a candidate nominated for the above Electoral Division hereby withdraw.

Dated at this
day of 19.....

.....
Name of candidate.

FORM 35.

(Section 145.)

ELECTION NOTICE.

NOTICE OF POLL BEING GRANTED AND THE CANDIDATES NOMINATED.

Electoral Division of, to wit:

Public notice is hereby given to the voters of the electoral division aforesaid that a poll has been demanded at the election now pending for the said electoral division and that I have granted such poll; and further that the persons duly nominated as candidates at the said election and for whom only votes will be received are—

1. John Doe (*here insert place of residence and occupation*);
 2. Richard Roe (*here insert place of residence and occupation*);
 3. Geoffrey Stiles (*here insert place of residence and occupation*);
 4. John Stiles (*here insert place of residence and occupation*);
- (*As in the nomination paper.*)

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at this
day of in the year 19.....

A.B.,
Returning Officer.

FORM 36.

(Section 146.)

COMMISSION OF DEPUTY RETURNING OFFICER.

To G.H., (*insert his residence and occupation*).

In my capacity of returning officer for the Electoral Division of
I hereby appoint you to be deputy returning officer for
Polling Place No. of Polling Subdivision No.
(*or as the case may be*) in the said electoral division, there to take the votes
of the voters and you are hereby authorized and required to open and hold
the poll at the said polling place on the day of
..... 19..... at o'clock in the
forenoon, at (*here describe particularly the place in which the poll is to be held*)

and there to keep the said poll open during the hours prescribed by law and to do and perform in such polling place all acts and duties required to be performed by the deputy returning officer appointed to act therefor and after counting the votes given to return to me forthwith the ballot box sealed with your seal and enclosing the ballots, envelopes, polling list and other documents required by law, together with this commission.

Given under my hand this.....day of.....
19.....

A.B.,
Returning Officer.

FORM 37.

(Section 147.)

OATH OF DEPUTY RETURNING OFFICER.

I, G.H., appointed deputy returning officer for Polling Place No.....
of the.....(or as the case may be) of.....
swear (or solemnly affirm) that I am legally qualified to act as deputy return-
ing officer and that I will act faithfully in that capacity without partiality,
fear, favour or affection. So help me God.

Sworn (or affirmed) before me at the..... }
of.....in the Province of Alberta } G.H.,
this.....day of.....19.... } Deputy Returning
Officer.

.....
A Commissioner, etc. (or as the case may be.)

FORM 38.

(Section 151 (8).)

AFFIDAVIT OF PRINTER.

Electoral Division of.....

I,....., swear (or solemnly affirm):

1. That by direction of the returning officer for the above named electoral
division I printed the ballot papers for use at the election to be held on the
.....day of.....19....., (insert date
of polling) on the paper furnished by him for that purpose.

2. That the annexed form shows the description of the ballot papers printed
by me as aforesaid.

3. That I supplied the returning officer with.....of such ballot
papers.

4. That no other of such ballot papers were printed by or supplied by
me to anyone.

Sworn (or affirmed) before me at the..... }
of.....in the Province of Alberta }
this.....day of.....19.... }

.....
A Commissioner, etc. (or as the case may be.)

FORM 39.

(Section 151 (2).)

FORM OF BALLOT PAPER.

FRONT.

The black line above the first name shall extend to the upper edge and
the black line below the last name shall extend to the lower edge of the ballot

paper and all black lines be prolonged to the edge of the paper. The black margin to the left is the counterfoil and the space to the left of the counterfoil is the stub. There shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.

The ballots must be bound or stitched in books containing 25, 50 or 100 ballots according to the polling subdivision to be served.

1	WM. R. SMITH, of Township....Range....West of.... Meridian, Farmer.
2	FRANK JONES, of the City of..... Barrister.
3	JOSEPH BOURKE, of the City of..... Gentleman.
4	JOHN R. WILLIAMS, of the City of..... Merchant.

FORM OF BALLOT PAPER.

BACK.

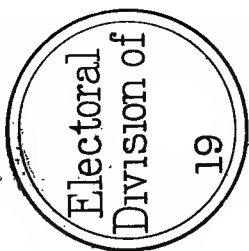
No. 325

No. 325

No. of Vote in Poll Book.....

D. R. O. INITIALS.

R. O. STAMP.



FORM 40.

(Sections 109 and 153.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS.

The voter is to vote for only one candidate unless more than one member is to be elected for the electoral division, in which case he may vote for as many candidates as are to be elected.

The voter shall go into one of the compartments and with the black lead pencil provided place a cross within the white space containing the name of the candidate or within the white spaces containing the names of the candidates for whom he votes, thus: X.

The voter shall then fold the ballot paper so that the initials and stamp on the back and the number on the counterfoil can be seen without opening it; he shall then return the ballot paper so folded to the deputy returning officer who shall in full view of those present including the voter remove the counterfoil, destroy the same and place the ballot paper in the ballot box; the voter shall then forthwith leave the polling place.

If a voter inadvertently spoils a ballot paper so that he cannot conveniently use it as he desires he may return it to the deputy returning officer who will give him another.

If the voter votes for more candidates than he is entitled to vote for or places any mark on the ballot paper by which he can be identified his vote will be void and will not be counted.

If the voter fraudulently takes a ballot paper out of the polling place or fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given him by the deputy returning officer he will be liable to imprisonment for one year.

In the following form of ballot paper, given for illustration, the candidates are Wm. R. Smith, Frank Jones, Joseph Bourke, and John R. Williams, and the voter has marked his ballot paper in favour of John R. Williams, and the counterfoil has been detached.

1

WM. R. SMITH,
Of Township....Range....West of....
Meridian, Farmer.

2

FRANK JONES,
of the City of.....
Barrister.

3

JOSEPH BOURKE,
of the City of.....
Gentleman.

4

JOHN R. WILLIAMS,
of the City of.....
Merchant.

X

FORM 41.

(Sections 154 and 157.)

COMMISSION OF POLL CLERK.

To I.J., (insert his residence and occupation).

In my capacity of deputy returning officer for the Polling Place No.
..... of Polling Subdivision No..... (or as the case
may be) in the Electoral Division of..... I hereby
appoint you to be poll clerk for the said polling place.

Given under my hand..... this.....
day of..... 19.....

G.H.,
Deputy Returning Officer.

FORM 42.

(Section 154 (1).)

OATH OF POLL CLERK.

I, I.J., appointed poll clerk for Polling Place No..... of
the Polling Subdivision No..... (or as the case may be) in the

Electoral Division of.....swear (or solemnly affirm)
that I am legally qualified to act as poll clerk and that I will act faithfully
in that capacity and also in that of deputy returning officer if required to
act in that capacity according to law without partiality, fear, favour or
affection. So help me God.

Sworn (or affirmed) before me at the..... }
of.....in the Province of Alberta, } I.J.,
this.....day of.....19.... } Poll Clerk.

A Commissioner, etc. (or as the case may be.)

FORM 43.

(Section 162 (2).)

OATH BY DEPUTY RETURNING OFFICER, POLL CLERK OR AGENT WISHING TO VOTE.

I, C.D., of, etc.,.....
deputy returning officer (or poll clerk or agent for E.H., one of the candidates
at the election for the Legislative Assembly of Alberta) do swear (or solemnly
affirm) that I am actually entitled to vote for a member of the said Legis-
lative Assembly for this electoral division at the present election;

That I have not voted before at this election either at this or any other
polling place;

That I have not received anything nor has anything been promised me
directly or indirectly either to induce me to vote at this election or for loss
of time, travelling expenses, hire of team or for any other services connected
therewith;

That I have not directly or indirectly paid or promised anything to any
person either to induce him to vote or to refrain from voting at this election.
So help me God.

Sworn (or affirmed) before me at the..... }
in the Province of Alberta this..... } J.H.
day of.....19.... }

A.B.,
Returning Officer (or Justice of the
Peace), (or as the case may be.)

FORM 44.

(Section 167.)

FORM OF OATH TO BE ADMINISTERED TO A VOTER AT ELECTIONS.

You swear (a)—

1. That you are the person named or intended to be named by the name
of.....on the list of voters now shown to you
(or, where the voter votes on a certificate under section 161, that you are the
person named in the certificate now shown to you);

2. That you are of the full age of twenty-one years and are a male British
subject by birth or naturalization and are not a citizen or a subject of any
foreign country;

3. That you have resided within Alberta for the year next preceding the
(b).....day of.....19....;

4. That you were on the said date and for three months next preceding
the same in good faith a resident of and had your fixed habitation in the
Electoral Division of.....[or, in case the voter has
not been a resident of such electoral division for three months immediately prior
to the above date (as provided by subsection 2 of section 11 of *The Alberta Election
Act*)] substitute the following: "That you were during three months of the year
referred to in the next preceding paragraph in good faith a resident of and
had your fixed habitation in the Electoral Division of (here insert name of
electoral division within which the applicant seeks to vote)."

5. That you are entitled to vote at this election and at this polling place;
6. That you have not voted before at this election at this or at any other
polling place;

7. That you have not received anything nor has anything been promised you directly or indirectly to induce you to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

Or at the option of the voter in lieu of paragraph 7.

7. That you have not received anything nor has anything been promised you directly or indirectly to induce you to vote or refrain from voting at this election. That you have not received nor do you expect to receive anything for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election except what has been *bona fide* earned by you and may be lawfully paid to you under *The Alberta Election Act* by or through the returning officer or deputy returning officer or other proper public officer out of public moneys without committing a corrupt practice and except what has been *bona fide* earned by you and has been or may be lawfully paid to and received by you or on behalf of the candidate or otherwise under *The Alberta Election Act*, and notwithstanding the receipt or expectation of which you are entitled by law to vote.

8. And that you have not directly or indirectly paid or promised anything to any person to induce him to vote or to refrain from voting at this election. So help you God.

NOTE.—(a) If the person is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm." (b) Insert here the day of the closing of registration on which list of voters is based.

FORM 45.

(Section 174 (2).)

FORM OF OATH OF INABILITY TO READ.

I, A.B., of.....swear (or solemnly affirm) that I am unable to read (or that I am from physical incapacity unable to mark a ballot paper, as the case may be).

Sworn (or affirmed) before me at.....
 in the Province of Alberta this.....
 day of.....19....., having first been } A.B., (His x mark).
 read over and explained to the above named A.B.,
 and signed by him in my presence with his mark.)

.....
Deputy Returning Officer.

FORM 46.

(Section 190 (1).)

STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS.

Polling Place..... Polling Subdivision No.....
 Electoral Division of.....

Number of ballot papers received from the returning officer.....	.....	.....
Number of ballots counted.....	.....	.....
Number of ballots counted.....	.....	.....
Number of ballots counted.....	.....	.....
Number of ballots counted.....	.....	.....
Number of ballots counted.....	.....	.....
Number of ballot papers declined.....	.....	.....
Number of ballot papers taken from polling place.....	.....	.....
Number of ballot papers cancelled.....	.....	.....
Number of ballot papers rejected.....	.....	.....
Number of ballot papers not used and returned.....	.....	.....
Number of disputed ballot papers.....	.....	.....
Totals.....	.....	.....

We hereby certify that the above statement is correct.

Dated at.....19.....

A.B.,

Deputy Returning Officer.

Poll Clerk.

(Candidates or agents may also sign.)

FORM 47.

(Section 190 (3).)

CERTIFICATE TO BE DELIVERED TO CANDIDATES, ETC.

I, the undersigned, deputy returning officer for Polling Place.....
in Polling Subdivision No.
 of.....in the Electoral Division of
 do hereby certify that, at the election held this day, for a member to serve
 in the Legislative Assembly of Alberta the hereinafter mentioned candidates
 received the number of ballots set opposite their respective names, viz.:

Names of Candidates	Number of Ballots

and also that.....ballot papers were rejected, and that
 there were.....disputed ballots.

Dated at.....this.....
 day of.....19.....

G.H.,

Deputy Returning Officer.

FORM 48A.

(Section 193.)

OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL, WHERE THERE ARE NO DISPUTED BALLOTS.

I,....., deputy returning officer for Polling Place
 No....., of the Electoral Division of
 swear (or solemnly affirm), that to the best of my knowledge and belief the
 poll book kept for the said polling place under my direction has been kept
 correctly, and that the total number of votes polled according to the said
 poll book is....., and that it contains a true and exact
 record of the votes given at the said polling place, as the said votes were
 taken thereat; that I have correctly counted the votes given for each candi-
 date in the manner by law provided and performed all duties required of
 me by law and that the statement, polling list, poll book, envelopes containing
 ballot papers and other documents required by law to be returned by me
 to the returning officer have been faithfully and truly prepared and placed
 in the ballot box returned by me to the returning officer, which was locked
 and sealed by me in accordance with the provisions of *The Alberta Election
 Act* and remained so locked and sealed while in my possession.

Sworn (or affirmed) before me at..... }
 in the Province of Alberta this..... }
 day of.....19..... }

G.H.,

Deputy Retg. Officer.

.....
 A Commissioner, etc. (or as the case may be).

FORM 48B.

(Section 207.)

OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL WHERE
THERE ARE DISPUTED BALLOTS.

I,, deputy returning officer for the Polling Place No., of the Electoral Division of, swear (or solemnly affirm) that to the best of my knowledge and belief the poll book kept for the said polling place under my direction has been kept correctly, that the total number of votes polled according to the said poll book is, and that it contains a true and exact record of the votes given at the said polling place, as the said votes were taken thereat: That I have correctly counted the undisputed votes for each candidate in the manner by law provided and performed all duties required of me by law, and that the statement, polling list, poll book, envelopes containing ballot papers and other documents required by law to be returned by me to the returning officer have been faithfully and truly prepared and placed in the ballot box and are contained in the ballot box returned by me to the returning officer which was locked and sealed by me in accordance with the provisions of *The Alberta Election Act*, and remained so locked and sealed, until opened before the court of inquiry; that in open court before the court of inquiry the said ballot box was opened by me as provided in section 195 of the said Act, and the envelopes containing the disputed ballots and poll book taken therefrom immediately after which the said ballot box was again locked, that during the sitting of the court of inquiry, possession of the ballot box, the key thereof, the disputed ballot papers and the poll book were retained by me, that immediately upon the close of the inquiry and while the court was still sitting, the ballot box was again unlocked and the envelopes containing the aforesaid disputed ballot papers, all evidence taken before the said court in regard to the said disputed ballot papers, all exhibits relating thereto, and the poll book, together with the return of the decisions of the said court were placed in the said ballot box after which it was again locked and sealed by me in accordance with the provisions of the aforesaid Election Act, and it remained so locked and sealed thereafter while in my possession.

Sworn (or affirmed) before me at }
in the Province of Alberta this } Deputy Rtg. Officer.
day of 19..... }

.....
A Commissioner, etc. (or as the case may be).

FORM 49.

(Section 192.)

OATH OF THE POLL CLERK AFTER CLOSING OF THE POLL.

I,, poll clerk for Polling Place
..... in Polling Subdivision No. of the Electoral Division of, swear (or solemnly affirm) that the poll book for the said polling place kept under the direction of G.H., who acted as deputy returning officer, has been kept by me correctly to the best of my skill and judgment; that the total number of votes polled according to the said poll book is; that to the best of my knowledge and belief it contains a true and exact record of the voters who voted at the said polling place.

Sworn (or affirmed) before me at }
in the Province of Alberta this } I.J.,
day of 19..... } Poll Clerk.

.....
A Commissioner, etc. (or as the case may be).

FORM 50.

(Sections 193 and 206.)

OATH OF POLL CLERK OR MESSENGER WHERE THE DEPUTY RETURNING OFFICER IS UNABLE TO DELIVER THE BALLOT BOX TO THE RETURNING OFFICER.

I,....., swear (or affirm) that I am the person to whom....., deputy returning officer for Polling Place No..... of the..... of..... in the Electoral Division of..... entrusted the ballot box for the said polling place to be delivered to..... the returning officer; that the ballot box which I delivered to the returning officer this day is the ballot box I so received; that I have not opened it and that it has not been opened by any other person since I received it from the deputy returning officer. So help me God.

Sworn (or affirmed) before me at..... }
 in the Province of Alberta this..... }
 day of..... 19..... }

A.B.,
Returning Officer.

FORM 51.

(Section 233 (1).)

STATEMENT BY RETURNING OFFICER RESPECTING VOTES POLLED AND BALLOT PAPERS USED AT THE POLLING PLACES OF
 THE ELECTORAL DIVISION OF AT THE ELECTION
 HELD ON THE DAY OF 19.....

Numbers and Names of Polling Places.		Names of Candidates and number of votes polled for each.			Voters at each Polling Place.			Ballot papers sent out, and how disposed of in each Polling Place.							Remarks.
					Total number of votes polled.	Number of votes remaining un-poll.	Number of names on the Polling Lists.	Number of ballot papers sent out to each Polling Place.	Used ballot papers.	Unused ballot papers.	Rejected ballot papers.	Cancelled ballot papers.	Declined ballot papers.	Ballot papers taken from Polling Places.	

FROM 52.

(Section 234 (4).)

AFFIDAVIT TO BE TAKEN BY RETURNING OFFICER AFTER TRANSMITTING
HIS RETURN TO THE CLERK OF THE EXECUTIVE COUNCIL.

I,, returning officer for the Electoral Division of swear (or affirm)—

1. That of the packets received by me as such returning officer from the deputy returning officers in respect of the recent election for the said electoral division, I have not opened or permitted to be opened any of the envelopes containing the ballot papers;

2. That I have not opened or permitted to be opened any of the packets so received except those authorized and directed to be opened by a returning officer under *The Alberta Election Act*;

3. That none of the other packets were opened by any person since they were returned to me by the deputy returning officers (or, in case of a recount add, except by the judge of the District Court on a recount);

4. That I have not ascertained and have not attempted to ascertain from the ballot papers or other contents of any of the said packets how any person voted;

5. That I have this day transmitted to the clerk of the Executive Council my return in respect to the said election. So help me God.

Sworn (or affirmed) before me at }
in the Province of Alberta, this }
day of 19..... }

.....
A Commissioner, etc. (or as the case may be).

FORM 53.

(Section 251.)

OATH OF SECRECY.

Electoral Division of
Polling Place No.

I,, swear (or solemnly affirm)—

1. That I will not attempt to ascertain and will by every means in my power prevent any other person from ascertaining how any person is about to vote or shall have voted at this election save and except as may be necessary and proper in the case of persons blind or unable to read or incapable of marking their ballot papers as provided in *The Alberta Election Act*;

2. That I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted;

3. That I will in all respects maintain and aid in maintaining the absolute secrecy of the voting at this polling place. So help me God.

Sworn (or affirmed) before me at }
in the Province of Alberta, this }
day of 19..... }

.....
A Commissioner, etc. (or as the case may be).

FORM 54.

(Section 91.)

I, the undersigned, I.J., appointed enumerator for Polling Subdivision No. (or as the case may be) of the Electoral Division of in the Province of Alberta, do solemnly swear (or, being one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I will act faithfully in my said capacity of enumerator without

partiality, fear, favour or affection. So help me God.

Sworn (or affirmed) before me at..... }
 in the Province of Alberta this..... } I.J.,
 day of..... 19..... } Enumerator.

A Commissioner, etc. (or as the case may be).

FORM 55.

(Sections 92 and 95.)

LIST OF VOTERS.

Electoral Division of.....
 Polling Subdivision No.....
(or as the case may be).

No.	Name	Occupation or addition	Residence	Post Office Address	Remarks

I certify that the foregoing is a true copy of the voters' list in Polling Subdivision No.....*(or as the case may be)* of the Electoral Division of.....as prepared by me for use in the election of a member *(or, members, as the case may be)* of the Legislative Assembly of Alberta for the said electoral division now pending, and I hereby designate.....as the place where and when voters may conveniently find me between ten o'clock in the forenoon and four o'clock in the afternoon on every day except Sunday of the three days before polling day.

.....
Enumerator.

(Here the enumerator shall make any addition to the list which he finds necessary.)
 I certify that the foregoing is a corrected list of the voters in Polling Subdivision No.....*(or as the case may be)* of the Electoral Division of.....as revised *(or, if no correction is made, as finally approved)* by me this.....day of.....19.....

I.J.,
Enumerator.

FORM 56.

(Sections 99, 100 and 101.)

1. You do swear that you are of the male sex and a British subject; that you are not an Indian; that you are of the full age of twenty-one years, and that you have resided in the Province of Alberta for at least one year and in this electoral division for at least three months immediately preceding the day of *(here insert the date of the issue of the writ of election)*; and that you are now a resident in this polling subdivision;
2. That you are entitled to vote at this election at this polling place;
3. That you have not voted before at this election or any other polling place;
4. That you have not received anything nor has anything been promised you directly or indirectly to induce you to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

(Or, at the option of the voter in lieu of paragraph 4.)

5. That you have not received anything nor has anything been promised you directly or indirectly to induce you to vote or refrain from voting at this election. That you have not received nor do you expect to receive anything for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election except what has been *bona fide* earned by you and may be lawfully paid to you under *The Alberta Election Act* by or through the returning officer or deputy returning officer or other proper public officer out of public moneys without committing a corrupt practice and except what has been *bona fide* earned by you and has been or may be lawfully paid to and received by you or on behalf of the candidate or otherwise under *The Alberta Election Act* and notwithstanding the receipt or expectation of which you are entitled by law to vote.

6. And that you have not directly or indirectly paid or promised anything to any person to induce him to vote or to refrain from voting at this election. So help you God.

NOTE.—If the voter is a person who may by law affirm in civil cases then for “swear” substitute “solemnly affirm.”

FORM 57.

(Section 177.)

NOTICE TO APPEAR.

To.....

Take notice that you are hereby required to appear at (*here describe with reasonable certainty the building or place fixed for sittings of the Court of Inquiry*) on.....the.....day of.....19....., at the hour of.....o'clock in the.....noon, before me and such justice of the peace as shall then be sitting with me, to answer to a charge of having voted contrary to the provisions of *The Alberta Election Act*.

Dated this.....day of.....19.....

A.B.,
Deputy Returning Officer.

FORM 58.

(Section 197.)

SUMMONS TO A WITNESS.

To A.B.

You are hereby commanded to appear before us at (*here describe with reasonable certainty the building or place fixed for sittings of the Court of Inquiry*) in Polling Division No.....of the Electoral Division of.....on.....the.....day of.....19....., at the hour of.....o'clock in the.....noon, and so on from day to day until the charge hereinafter mentioned is tried or otherwise disposed of, to testify and give evidence upon the hearing before us of a charge preferred against one C.D. of having voted contrary to the provisions of *The Alberta Election Act*.

And you are hereby further commanded to bring with you and produce at the time and place aforesaid all papers and articles in your possession or power in any way relating to said charge or to any matter connected therewith.

Witness our hand (or my hand) this.....day of.....19.....

.....
Deputy Returning Officer.

.....
Justice of the Peace.

(This Summons may be issued by the Deputy Returning Officer or by the Justice of the Peace, or by both.)

SCHEDULE.

TARIFF A.

Witness Fees.

(Section 197.)

For every day necessarily absent from residence in going to, staying at and returning from hearing—

When residence is within 4 miles of place..... \$1.00

When over 4 miles..... 2.00

For every mile necessarily travelled other than by railway..... .10

When railway used: actual fare paid.

1911-12, c. 4, s. 33.

1909

CHAPTER 4.

An Act to amend the Statute Law.

(PART I.)

(Consolidated in the various Acts.)

1909

CHAPTER 5.

An Act to further amend the Statute Law.

(PART II.)

(Consolidated in the various Acts.)

1909

CHAPTER 6.

An Act respecting Arbitration.

(Assented to February 25, 1909.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

Short title 1. This Act may be cited as "*The Arbitration Act.*"

INTERPRETATION.

Interpretation	2. In this Act, unless the contrary intention appears—
Submission	1. "Submission" means a written agreement to submit present or future differences to arbitration whether an arbitrator is named therein or not;
Court	2. "Court" means the Supreme Court of Alberta;
Judge	3. "Judge" means a judge of the Supreme Court of Alberta;
Rules of Court	4. "Rules of Court" means the rules of the Supreme Court of Alberta.

REFERENCES BY CONSENT OUT OF COURT.

Effect of submission	3. A submission unless a contrary intention is expressed therein shall be irrevocable except by leave of the court or a judge and shall have the same effect in all respects as if it had been made an order of court.
Submission includes provisions in schedule	4. A submission unless a contrary intention is expressed therein shall be deemed to include the provisions set forth in schedule A to this Act so far as they are applicable to the reference under this submission.
Stay of proceedings	5. If any party to a submission or any person claiming through or under him commence any legal proceedings in any court against any other party to the submission or any person claiming through or under him in respect of any matter agreed to be referred to any party to such legal proceedings may at any time after appearance and before delivering any pleadings or taking any other steps in the proceedings apply to that court to stay the proceedings and that court, or a judge thereof, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission and that the applicant was at the time when the proceedings were commenced and still remains ready and willing to do all things necessary to the proper conduct of the arbitration may make an order staying the proceedings.

6. In any of the following cases—

Appointment
of arbitrator in
certain cases

- (a) Where a submission provides that a reference shall be to a single arbitrator and all the parties do not after differences concur in the appointment of an arbitrator;
- (b) If an arbitrator refuses to act or is incapable of acting or dies and the submission does not show that it was intended that the vacancy should not be supplied and the parties do not supply the vacancy;
- (c) Where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator and do not appoint him;
- (d) Where an appointed umpire or arbitrator refuses to act or is incapable of acting or dies and the submission does not show that it was intended that the vacancy should not be supplied and the parties or arbitrators do not supply the vacancy;

any party may serve the other parties or the arbitrators as the case may be with a written notice to appoint an arbitrator, umpire or third arbitrator. If the appointment is not made within seven clear days after the service of the notice the court or a judge may on application by the party who gave the notice appoint an arbitrator, umpire or third arbitrator who shall have the like powers to act in the reference and make an award as if he had been appointed by consent of all parties.

7. Where a submission provides that the reference shall be to two arbitrators one to be appointed by each party, then unless the commission expresses a contrary intention—

Appointment
of arbitrators
where two
required

1. If either of the appointed arbitrators refuses to act or is incapable of acting or dies, the party who appointed him may appoint a new arbitrator in his place;

2. If on such a reference one party fails to appoint an arbitrator either originally or by way of substitution as aforesaid for seven clear days after the other party having appointed his arbitrator, has served the party making default with notice to make the appointment the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference and his award shall be binding on both parties as if he had been appointed by consent:

Provided that the court or a judge may set aside any appointment made in pursuance of this section.

8. The arbitrators or umpire acting under a submission shall unless the submission expresses a contrary intention have power—

Powers of
arbitrators

1. To administer oaths to or take the affirmations of the parties and witnesses appearing; and

2. To state an award as to the whole or part thereof in the form of a special case for the opinion of the court; and

3. To correct in an award any clerical mistake or error arising from any accidental slip or omission.

9. For the purpose of procuring the attendance of a witness at an arbitration any party to a submission may sue out a writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum* but no person shall be compelled under any such writ to produce

Summoning
of witnesses

any document which he could not be compelled to produce on the trial of an action.

(2) Such writs may be obtained from any clerk of the court or deputy clerk of the court on payment of the fees prescribed in *The Judicature Ordinance*.

Enlargement
of time for
award

10. The time for making an award may from time to time be enlarged by order of the court or a judge whether the time for making an award has expired or not.

Recon-
sideration by
arbitrator

11. In all cases of reference to arbitration the court or a judge may from time to time remit the matters referred or any of them to the reconsideration of the arbitrators or umpire.

(2) Where an award is remitted the arbitrators or umpire shall unless the order otherwise directs make their award within six weeks after the date of the order.

Misconduct
of arbitrator

12. When an arbitrator or umpire has misconducted himself the court or a judge may remove him.

Setting aside
award

(2) Where an arbitrator or umpire has misconducted himself or an arbitration or award has been improperly procured the court may set the award aside.

Enforcement
of award

13. An award on a submission may by leave of the court or a judge be enforced in the same manner as a judgment or order to the same effect.

Attendance of
witness before
referee or
arbitrator

14. The court or a judge may order that a writ of subpoena *ad testificandum* or a subpoena *duces tecum* shall issue to compel the attendance before an official or special referee or before any arbitrator or umpire of a witness wherever he may be within the province.

(2) The court or a judge may also order that a writ of habeas corpus *ad testificandum* shall issue to bring up a prisoner for examination before an official or special referee or before any arbitrator or umpire.

Special case
for opinion
of court

15. Any referee, arbitrator or umpire may, at any stage of the proceedings under a reference, and shall if so directed by the court or a judge, state in the form of a special case for the opinion of the court any question of law arising in the course of the reference.

Costs

16. Any order made under this Act may be made on such terms as to costs or otherwise as the authority making the order thinks just.

Directions for
arbitration
to be deemed
submission

17. Whenever it is directed by any Act or Ordinance that any party or parties shall proceed to the appointment of arbitrators or appoint arbitrators as provided by this Act or that any party or parties shall proceed to arbitration under this Act or any similar direction shall be made with respect to arbitration under this Act such direction shall be deemed a submission.

COSTS ON REFERENCES BY CONSENT OUT OF COURT.

18. In sections 19 to 27 inclusive of this Act—

Interpretation

"Arbitrator" shall include umpire and referee in the nature of an arbitrator; and

"Award" shall include umpirage and certificate in the nature of an award.

19. No arbitrator, who is not by profession and calling a barrister, solicitor, engineer, architect, or Dominion or provincial land surveyor, shall be entitled to demand or take for his attendance and services as an arbitrator, in addition to his necessary disbursements, any greater fees than are hereinafter set down in the first column of schedule B to this Act except as provided in section 21.

Fees to arbitrators not being barristers, architects, etc.

20. No arbitrator, who is by profession and calling a barrister, solicitor, engineer, architect, or Dominion or provincial land surveyor, shall be entitled to demand or take for his attendance and services as such arbitrator, in addition to his necessary disbursements, any greater fees than are hereinafter set down in the second column of schedule B to this Act, except as provided in section 21.

Fees to arbitrators being barristers, architects, etc.

21. The parties to the submission may agree, by writing signed by them or by making such agreement a part of the submission, to pay to the arbitrator or arbitrators, if more than one, such fees or sums for each day's attendance, or such gross sums for their taking upon themselves the burden of the reference and making the award, as the said parties see fit, and in every such case the fees and sums so agreed upon shall be substituted for those set down and authorized in the schedule to this Act, and shall be taxed and allowed by the clerk accordingly.

Parties to submission may agree as to fees to be paid to arbitrators

22. No greater fees shall be taxed or allowed to any person called as a witness before an arbitrator than would be taxed and allowed to the same person in an ordinary action before a court having jurisdiction over the subject of the reference.

Fees to witnesses

23. Where, at a meeting of arbitrators, of which due notice has been given, no proceedings are taken in consequence of the absence of any party, or because a postponement is made by the arbitrators at the request of any party to some future day, the arbitrators shall make up an account of the costs of the meeting, including the proper charges for their own attendance and that of any witnesses, and of the counsel or solicitor of the party present, and not desiring the postponement, and (unless, under the special circumstances of the case, they think that it would be unjust so to do), they shall charge the amount thereof, or of the disbursements, against the party in default or at whose request the postponement is made, and the last named party shall be bound to pay the same to the other party, whatever may be the event of the reference, and the arbitrators shall, in the award, make any direction necessary for that purpose, and if such sum is payable by the party in whose favour the award is otherwise made it may be set off against, and deducted from, any amount awarded in favour of that party.

In case of absence of parties, or postponement at their request costs of meeting to be charged against them

Taxing costs
on arbitrations

24. Any party to an arbitration shall be entitled to have the costs thereof, including the fees of the arbitrators, or such fees alone, taxed by the clerk of the Supreme Court for the judicial district in which the arbitration took place, upon an appointment which may be granted by the clerk for that purpose on the filing of an affidavit setting forth the facts. A taxation of the said fees by the said clerk may likewise be had upon an appointment at the instance of the arbitrators granted upon an affidavit as aforesaid.

Discretion of
clerk in taxing

25. The clerk shall in no case, except as provided in section 21, tax higher fees than are set down in the schedule to this Act, but, upon reasonable grounds established upon affidavit, he may reduce the maximum mentioned in the schedule, but not below the maximum, having always regard to the length of the arbitration and to the value of the matter in dispute, and the difficulty of the questions to be decided; but he shall not tax more than one counsel fee for either party for any meeting of the arbitrators.

Costs of award

(2) The clerk may tax and allow a reasonable sum for the preparation and drawing up of the award.

Revision of
taxation

(3) An appeal may be had from such taxation in the same manner as from the clerk's taxation in an action.

Penalty for
arbitrator
attempting to
exact excessive
fees

26. An arbitrator who after having entered upon the reference refuses or delays after the expiration of one month from the publication of the award to deliver the same until a larger sum is paid to him for his fees than is by this Act permitted, or receives for his award or for his fees as arbitrator any such larger sum, shall forfeit and pay to the party who has demanded delivery of the award or who has paid to the arbitrator such larger sum in order to obtain or as a consideration for having obtained it, treble the excess so demanded by and paid to the arbitrator and received by him contrary to the provisions of this Act, to be recovered with costs in an action to be brought in the Supreme Court.

Arbitrator to
have action
for fees

27. In all cases where an award is made the arbitrator may maintain an action for his fees upon the award, after the same have been taxed; and in the absence of an express agreement in respect thereof the arbitrator may maintain such action, after taxation, against all the parties to the reference, jointly or severally.

SCHEDULE A.

Single
arbitrator

(a) If no other mode of reference is provided the reference shall be to a single arbitrator.

Umpire

(b) If the reference is to two arbitrators the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.

Time and
manner of
award

(c) The arbitrators shall make their award in writing within six weeks after entering on the reference or after having been called on to act by notice in writing from any party to the submission or on or before any later day to which the arbitrators by any writing signed by them may from time to time enlarge the time for making the award.

(d) If the arbitrators have allowed their time or extended time to expire without making an award or have delivered to any party to the submission or to the umpire a notice in writing stating that they cannot agree the umpire may forthwith enter on the reference in lieu of the arbitrators. Arbitrators not agreeing, umpire to act

(e) The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired or on or before any later day to which the umpire by any writing signified by him may from time to time enlarge the time for making his award. Time for umpire's award

(f) The parties to the reference and all persons claiming through them respectively shall subject to any legal objection submit to be examined by the arbitrators or umpire on oath or affirmation in relation to the matters in dispute and shall subject as aforesaid produce before the arbitrators or umpire all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for and do all other things which during the proceedings on the reference the arbitrators or umpire may require. Examination of parties Production of papers

(g) The witnesses on the reference shall if the arbitrators or umpire think fit be examined on oath or affirmation. Oath or affirmation

(h) The award to be made by the umpire or arbitrators shall be final and binding on the parties and the persons claiming under them respectively. Finality of award

(i) The costs of the reference and award shall be in the discretion of the arbitrators or umpire who may direct to and by whom and in what manner the costs or any part thereof shall be paid. Costs of reference

SCHEDULE B.

	Non professional arbitrators	Professional arbitrators
When the arbitrator's residence is in the province for each day necessarily absent from such residence in going to, staying at, and returning from the place where the arbitration is held.....	\$20.00	\$40.00
When the arbitrator's residence is out of the province for each day necessarily spent in travelling within the province to and from the place where the arbitration is held, and for each day spent at such place during the arbitration.....	\$20.00	\$40.00
For each portion of a day as hereinbefore mentioned less than one half.....	\$10.00	\$20.00

1909

CHAPTER 7.

An Act respecting Constables.

(Assented to February 25, 1909.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Justices
may appoint
constables

1. Any justice of the peace may in writing appoint one or more constables whose powers and duties as such shall extend to the whole of the province; such appointment to be in force for the time mentioned in the appointment, but shall at no time be longer in force than until the 31st day of December then next following the date of such appointment, or until any process on the said 31st day of December in his hands be executed.

Oath of
constable

2. Every constable so appointed shall before entering upon the duties of his office take and subscribe before a justice of the peace the following oath:

Oath

"I,, having been appointed constable for the Province of Alberta, do solemnly swear that I will truly, faithfully and impartially perform the duties appertaining to the said office according to the best of my skill and ability. So help me God."

Notice to
be given to
the Attorney
General

3. The justice of the peace making such appointment shall forthwith send notice of the same, containing the name and address of the person so appointed and the time during which the appointment is to be in force, to the Attorney General.

Appointment
of constables
by Supreme
Court and
District Court
judges

4. Any judge of the Supreme Court or of any District Court in the province may in writing appoint one or more constables, whose powers and duties as such shall extend either to the whole of the province or to such portion of the province as is mentioned in the appointment, but in the event of no portion of the province being mentioned in the appointment the powers and duties of a constable so appointed shall extend to the whole of the province, and such appointment shall be in force for the time mentioned in the appointment, but if no time is so mentioned it shall be in force until the 31st day of December then next following the date of such appointment, or until any process in the hands of the said constable upon the said date be executed.

Notice to be
given to the
Attorney
General

5. Any judge making an appointment of a constable under the provisions of the last preceding section shall forthwith notify the Attorney General of the name and address of the constable so appointed and of the time during which such appointment is to be in force.

6. Every constable so appointed by a judge of the Supreme Oath Court or of any District Court shall before entering on the duties of his office take and subscribe either before such judge or before a justice of the peace an oath in the form mentioned in section 2 of this Act.

7. The Lieutenant Governor in Council may appoint, either permanently or for such period as he thinks fit, persons to be provincial constables and every person so appointed shall while he holds office be a constable for the entire province and as such shall have authority to act in any part of the province.

Appointment of provincial constables by Lieutenant Governor in Council

8. The Lieutenant Governor in Council may from time to time as occasion shall require appoint such number of special or other constables or peace officers as to him shall seem expedient or confer the power of appointment thereof upon the Attorney General or upon any other person or persons he shall see fit and he may define their offices and positions and assign their duties and prescribe such rules and regulations and from time to time revoke or supersede the same with other rules and regulations as to him shall seem meet.

Lieutenant Governor in Council may appoint special constables, etc., or confer the power of appointing upon others

9. The Lieutenant Governor in Council may at all times and from time to time fix and determine the compensation payable to constables appointed under the provisions of this Act, in all cases not provided for by law and the manner in which and by whom such compensation shall be paid.

Lieutenant Governor may determine compensation payable to constables

10. The Lieutenant Governor in Council may suspend from office for any period or cancel the appointment of any constable appointed under the provisions of this Act.

Lieutenant Governor may suspend or cancel appointment of constables

11. Nothing herein contained shall be construed as limiting or affecting the power of appointment of constables or of special constables in particular cases or of peace or other officers in general wherein and wherever such power of appointment now exists.

Not to affect general power of appointment of peace officers

12. It shall be the duty of every person in the province when called upon by any peace officer promptly to aid and assist him in the execution of his duties and wherever any person shall wilfully neglect or omit so to do he shall, in addition to any other penalty prescribed by law, on conviction before a justice of the peace, be subject to a fine not exceeding \$20.

Duty to assist peace officers

13. Chapter 4 of the Statutes of 1908 is repealed.

CHAPTER 8.

An Act respecting the Liability of Municipal and Other Public Corporations upon Debentures Sold at a Discount.

(Assented to February 25, 1909.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Corporations having power to issue debentures, etc., may sell at less than amount expressed in by-law, etc., unless expressly prohibited

1. All municipal corporations incorporated or to be hereafter incorporated, and all cities now incorporated or to be hereafter incorporated, and all school districts, irrigation districts, local improvement districts, and other public corporations of a similar nature now existing or hereafter to be created, having power to issue debentures, bonds or other obligations payable to bearer or to any person named therein or bearer, and to borrow money on the security of such, may, and are hereby declared always to have had power to sell, dispose of or negotiate the same at a price less than the amount expressed by the by-law, resolution or other legislative authority as the amount of the proposed debt, loan or borrowing in their discretion, unless the by-law, resolution or other authority upon which the same were or shall be issued expressly in words prohibited or prohibits the same.

Purchaser, etc., may recover face value and interest

2. Notwithstanding any past or future disposal or negotiation by any such corporation of any such debenture, bond or obligation at a price less than par as aforesaid (except where such is prohibited as aforesaid) the purchaser, holder or assignee of said debenture, bond or other obligation may recover from such corporation the face value thereof and all interest according to the tenor of such debenture, bond or other obligation.

Act, how construed

3. Nothing, however, in this Act contained shall be construed as making any such corporation liable to pay debentures, bonds or other obligations to which such corporation has or may have any valid defence in whole or in part by reason of other circumstances than the sale, disposal or negotiation of same at a price less than the face value thereof; nor shall anything herein contained be construed as increasing the borrowing powers of any corporation, or as granting to any corporation borrowing powers which it has not heretofore had; nor is anything herein contained to be construed as conflicting in any way with any law at present existing or which shall hereafter have force and effect in the Province of Alberta, as to the rate of interest chargeable or recoverable; nor shall anything herein contained be taken to imply a change in the law in respect of the matters dealt with by this Act.

Law not changed

1909

CHAPTER 9.

An Act respecting Appeals from Assessments in Cities and Towns.

(Assented to February 25, 1909.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. Notwithstanding anything to the contrary contained in any city or municipal charter in force in the province, appeals from the decisions of courts of revision in cities and towns with respect to the assessments of property therein for the purpose of taxation shall be made to the judge of the District Court of the district within which the city or town affected is situated. Appeals from courts of revision in cities and towns to be to District Court judge

2. The procedure upon such appeals respectively shall continue to be the procedure set out in the city or municipal charter of the city or town affected with relation to appeals from courts of revision therein in relation to the matters in the first paragraph hereof set out, and nothing herein shall be taken in any wise to vary the provisions of any such city or municipal charter otherwise than by substituting the District Court judges of the District Courts of the province in their several districts respectively for such court or judge as shall have been mentioned in the said city or municipal charters respectively as the tribunal to which such appeals shall be had, taken or made. Procedure unchanged

1909

CHAPTER 10.

An Act respecting Official Auditors.

(Assented to February 25, 1909.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

- Appointment** **1.** For the complete examination of the accounts of boards of school trustees, official trustees, village councils, boards of trustees of irrigation districts, and such other accounts as the Lieutenant Governor in Council or any member of the Executive Council is empowered by any Act to inquire into the Lieutenant Governor in Council may appoint one or more official auditors.
- Duties** **2.** It shall be the duty of every official auditor to examine, check, audit and report upon all accounts which he is appointed to examine in the manner prescribed from time to time by the Lieutenant Governor in Council.
- Fees** **3.** Unless it is otherwise provided by Act the Lieutenant Governor in Council shall fix the fees payable to official auditors for any service performed by them.

NOTE.—A list of Official Auditors is published annually in December of each year. For regulations and list for year 1915, see *The Alberta Gazette*, December 15, 1914.

1909

CHAPTER 11.

An Act respecting Sheriffs and Deputy Sheriffs.

(Assented to February 25, 1909.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Sheriff's Act.*"

Short title

2. The Lieutenant Governor in Council shall, from time to time, as occasion may require, appoint a sheriff in each judicial district, who shall hold office during pleasure and shall discharge all the duties connected with his office, and also such other duties as may be assigned to him or appertain to his office by law.

Appointment

(2) Whenever it appears that the convenience of the public requires it the Lieutenant Governor in Council may appoint an assistant sheriff in any judicial district who shall hold office during pleasure, and who shall have power to do and perform in the name of the sheriff any duty or act which the sheriff of the said district has power to do and perform, subject however to the directions of the said sheriff.

Appointment
of assistant
sheriffs

(3) Whenever it appears that the convenience of the public so requires the Lieutenant Governor in Council may appoint deputy sheriffs who shall have jurisdiction either for the judicial district wherein they are appointed, or any such portion thereof as may be designated by the order appointing them, or any subsequent or other order, and such deputy sheriffs shall hold office during pleasure, and shall within their respective districts have and exercise all powers, duties and obligations which may now be exercised or performed by the sheriff of any of the judicial districts in the province, and in respect of *mesne* and final process intended to affect real or personal property situated within the districts of any of the said deputy sheriffs, such deputy sheriffs shall have and perform all the powers, duties and obligations of the sheriff of his judicial district, and such process shall for the purpose of binding such property be placed in the hands of such deputy sheriff and need not be placed in the hands of the sheriff of his judicial district, and such deputy sheriff shall have and use a duplicate of the seal of the sheriffs of their respective judicial districts and keep such books as are kept by sheriffs.

Appointment
of deputy
sheriffs

(4) The Attorney General may settle and adjust any questions, disputes or matters arising from or consequent upon the exercise of the powers herein contained.

Attorney
General may
adjust matters
arising
in consequence
of the exercise
of the power
to appoint
deputy sheriffs

(5) The Lieutenant Governor in Council may appoint sheriffs' bailiffs at such places in the province as the public convenience requires, and may make provision for the remuneration of such

Appointment
and
remuneration
of sheriffs'
bailiffs

bailiffs either by salary or by payment to them in such manner as may be found advisable of the whole or any proportion of the fees payable upon the service or execution of any legal process which by law such bailiffs are authorized to serve or execute.

Provision
for absence
or illness
of sheriff

(6) In the absence or illness of the sheriff, and the assistant sheriff where there is one, or of a deputy sheriff, he may in writing appoint some person to act for him, and such person shall during the absence or illness of the sheriff and assistant sheriff or of the deputy sheriff have, use and exercise all the powers, duties and functions of the sheriff or deputy sheriff.

Oaths to
be taken on
appointment

3. Every sheriff, deputy sheriff and assistant sheriff before he enters upon the duties of his office shall take and subscribe the oath of allegiance and the oath of office in the form of schedule A to this Act, and shall not be bound or required to subscribe or take any other oaths, or make any other declaration or subscription except as hereinafter provided, and every such oath respectively shall be filed in the office of the Provincial Treasurer.

Salaries
of sheriffs

4. Every sheriff, deputy sheriff and assistant sheriff shall receive as remuneration for their services a salary to be fixed by the Lieutenant Governor in Council.

Company
providing bond
must be
approved of
by Lieutenant
Governor in
Council

5. The Lieutenant Governor in Council may from time to time by order in council fix and determine the amount of security to be given by every sheriff, deputy sheriff and assistant sheriff, as hereinafter mentioned, but such amount shall be in no case less than \$5,000 for the sheriff, and in the case of personal sureties not less than \$2,500 for each surety where there are two sureties, and not less than \$1,250 for each surety where there are four sureties named in the said bond.

(2) Provided that the bond to be furnished by sheriffs, deputy sheriffs and assistant sheriffs under this section may be the bond of any guarantee or insurance company approved of by the Lieutenant Governor in Council.

Security to
be given by
sheriffs

6. Every sheriff or deputy sheriff shall before he is so sworn to office and within one month after his appointment execute and enter into a joint and several bond, in duplicate, with two or four sureties, for such amounts respectively as may be fixed and determined by order in council in that behalf, as aforesaid, or furnish a bond, in duplicate, of a company as provided for in subsection 2 of section 5 of this Act; the said duplicate bond shall be in the form of bond contained in the schedule to *The Act respecting Security to be Given by Public Officers*, being chapter 10 of 8 Edward VII, and to each of the duplicate bonds respectively of private or personal suretyship shall be attached an affidavit by each of the sureties therein named respectively, as required in said form, or to the like effect, and a similar affidavit shall be made by the principal to every bond and attached thereto.

Additional
security in
certain cases

(2) Where a sheriff or deputy sheriff is unable to justify in the amount required to be named in the bond the Attorney General may accept such additional security as he considers requisite, and in that case the affidavit required by this section shall be varied as to such sheriff in accordance with the facts.

7. One of the duplicate bonds with affidavits thereto attached shall within the periods herein before limited respectively be filed in the office of the clerk of the Supreme Court for the judicial district to which it relates, the other duplicate bond with the affidavits attached to the same respectively, and an affidavit of the filing of such first mentioned duplicate and affidavits in the office of the said clerk shall, within the same period respectively, be transmitted to the office of the Attorney General for approval. Bond to be filed

8. In case the bond is approved of it shall together with all affidavits be forthwith deposited in the office of the Provincial Secretary and notice of such approval shall be given to the sheriff or deputy sheriff, but in case the bond is disapproved of the sheriff or deputy sheriff shall, within one month thereafter, furnish and transmit another bond (in duplicate) in lieu of the bond so disapproved of as aforesaid, to the satisfaction of the Attorney General. Proviso in case disapproval of

(2) The sureties named in any bond so disapproved of, as aforesaid, shall not be discharged from liability by such disapproval, but shall be and continue liable for any default or misfeasances made, done or committed previous to the approval by the Attorney General of any bond that may be furnished in lieu of same. Sureties not discharged by nonapproval

9. The Attorney General may at any time require a sheriff or deputy sheriff to renew his bond or securities, or to furnish others in lieu of the same, as to him may appear expedient, for the protection of the interests of the Crown, or of the parties to legal proceedings, which new or substituted bonds or securities the sheriff or deputy sheriff shall be bound to transmit to the Attorney General within three months after notice in that behalf. Renewal of security

10. Every renewal or substituted bond or security shall be in the same form and executed and accompanied by the same formalities and affidavits and subject to the same approval as the original bonds or security. Form of renewed security

11. In case a new security is given or substituted as aforesaid the former sureties shall be liable only for, or on account of, defaults and misfeasances suffered or committed by the sheriff previous to the perfecting of the new security and the approval thereof by the Attorney General, and not as to any subsequent default or misfeasance. Liability of former sureties in case of renewal

12. In case a sheriff or deputy sheriff has given the security and made the affidavit of justification required to be made under section 6 of this Act, but has subsequently to his appointment, on account of additional security being required, become unable to make an affidavit of justification in accordance with the provisions of section 9 of this Act, this Act shall not be construed as rendering necessary the dismissal of the sheriff from his office, but he shall under pain of forfeiture of his office be required to furnish such additional security as the Attorney General may consider requisite. Sheriff need not be dismissed for inability to justify
Further security may be given

Death,
insolvency,
etc., of surety

13. Every sheriff and deputy sheriff shall give notice in writing to the inspector of legal offices of the death, discharge, bankruptcy, insolvency, or residence out of the province of any surety or person bound with him in such security, within one month after the fact comes to his knowledge; and in every such case the sheriff shall furnish the security of a new surety, to be approved of as aforesaid, in lieu of the surety so dying, being discharged, becoming bankrupt or insolvent, or residing without this province, and shall complete and transmit to the Attorney General the necessary bonds or security and affidavits in that behalf within one month after such notice.

Surety may
withdraw

14. Any person who has become surety for a sheriff or deputy sheriff, and who is no longer disposed to continue such responsibility, may give notice thereof to the sheriff or deputy sheriff and to the Attorney General, and in such case the sheriff or deputy sheriff shall furnish the security of a new surety in lieu of the surety so giving notice, and shall complete and transmit the necessary bonds and affidavits in that behalf to the Attorney General within one month after such notice; and all accruing responsibility on the part of the person giving such notice shall cease upon and after the perfecting and approval of the new security.

Forfeiture
for neglect
to furnish
security

15. Every sheriff or deputy sheriff who neglects to give and furnish any of the securities, or give any notice required by this Act, within the periods hereinbefore in that behalf respectively limited, shall be liable to forfeit his office, and his appointment and commission shall be void from and after the time when the Lieutenant Governor in Council declares the same to be avoided under this Act, but such avoidance shall not annul or make void any act or order or other matter or thing done by the sheriff during the time he actually held office.

When
forfeiture may
be remitted

16. The Lieutenant Governor in Council may remit the forfeiture in any case in which the failure to give the security or to perfect or transmit the instruments required by this Act, within the periods hereinbefore limited respectively in that behalf, has not risen from the wilful neglect of the sheriff or deputy sheriff, and if it appears to the Lieutenant Governor in Council that such respective periods are in any case insufficient in consequence of accident, casualty, loss of papers in the transmission thereof, illness or other particular circumstance, the Lieutenant Governor in Council may allow such further period, not in any case exceeding two months, for perfecting and transmitting such securities, as to him may appear reasonable and proper.

When
securities may
be approved,
although not
perfected
in time

17. The Attorney General may approve of any security, or securities, although the same may not have been perfected and transmitted respectively within the time limited by this Act, and in such case the office or commission of the sheriff or deputy sheriff shall not be deemed to have been avoided by such default, but to have remained in full force and effect; and the securities, when approved of as aforesaid, shall be held and construed to be valid and effectual in the same manner and to the same extent as if they had been perfected and approved respectively within the time limited by this Act.

18. No neglect, omission or irregularity in giving or renewing any bond or security required by this Act, nor in observing the formalities hereinbefore prescribed, or any of them, shall vacate or make void any such bond or security or discharge any party or surety from the obligations thereof. Neglect omission, etc., in giving bond not to avoid them

19. No such bond or security shall be in anywise impaired, discharged or avoided, nor shall any sheriff, deputy sheriff or any surety named therein be released, exonerated or acquitted from the obligation assumed thereby, by reason of the addition to the original area of the judicial district to which it relates of any other territory, or by the separation therefrom of any portion of such original area, by legislative authority or otherwise. Change in territory to which bond relates not to affect it

20. Any person may examine the bond or security of any sheriff or deputy sheriff on file in the office of the clerk of the court, and the clerk in possession thereof shall, on demand, deliver to any person who desires the same a copy thereof on payment of the following fees: Searching bond and taking copies

For search and examination of bond \$.25

For copy of bond 1.00

21. The sureties of any sheriff or deputy sheriff shall be liable to indemnify the party or parties to any legal proceedings against any omission or default of such sheriff or deputy sheriff in not paying over moneys received by him and against any damage sustained by any such party or parties in consequence of the sheriff's or deputy sheriff's wilful or neglectful misconduct in his office; and the sheriff or deputy sheriff shall be joint defendant in any action to be brought upon the bond or security given by the sheriff or deputy sheriff. Liability of sureties

22. Any person sustaining any damage by reason of any such default or misconduct of any sheriff or deputy sheriff may bring and maintain an action upon the said bond or security for such default or misconduct, and such action shall not be barred by reason of any prior recovery by the same party upon the bond or security, or of any judgment rendered for the defendant in any prior action upon the same bond or security, or by reason of any other action being then depending upon the same either at the suit of the same plaintiff or of any other party for any other distinct cause of action. Default of sheriff
Action on security

23. If upon the trial of any action upon any such bond or security it is made to appear that the plaintiff is entitled to recover and that the amount to which such surety has paid or become liable to pay as hereinafter mentioned is not equal to the full amount for which he became surety, the court after deducting from such full amount the sums which he has so paid or become liable to pay as aforesaid shall render judgment against him for any sum not exceeding the balance of the sum for which he became surety. Limitation of surety's liability

24. Where any such surety actually and *bona fide* and of his own proper moneys and effects has paid or become liable by virtue of a judgment or judgments recovered against him upon his said bond or security to pay an amount equal to the amount Where surety discharged from liability

specified in the said bond or security for which he became security, such bond or security shall as to him be deemed to be discharged and satisfied and no other or further sum shall be recovered against him.

On proof of payment proceedings may be stayed

25. It shall be competent for the Supreme Court of the Province of Alberta, or a judge thereof, upon proof to the satisfaction of the court or judge of such payment or liability in a summary manner and at any stage of the cause, by stay of proceedings or otherwise, to prevent the recovery against any such surety of any further sum than the amount specified in his bond or security and for which he may have become surety.

When judgment recovered upon security, levy to be upon sheriff's goods first

26. Upon every writ of execution under a judgment recovered on such bond or security the plaintiff or his advocate shall by an endorsement on the writ direct the coroner or other officer charged with the execution of such writ to levy the amount thereof upon the goods and chattels of the sheriff or deputy sheriff, as the case may be, in the first place and, in default of goods and chattels of the sheriff or deputy sheriff, to satisfy the amount, then to levy the same or the residue thereof on the goods and chattels of the other defendant or defendants in such writ, and so in like manner with any writ against lands and tenements upon a judgment or any such bond or security.

Sheriff liable until successor takes office

27. Notwithstanding a sheriff or deputy sheriff may have forfeited his office and become liable to be removed therefrom, the liability of himself and his sureties shall remain until a new sheriff or deputy sheriff has been appointed and sworn into office.

Sheriff, etc., may not purchase under executions

28. No sheriff, deputy sheriff, assistant sheriff, bailiff or constable shall directly or indirectly purchase any goods or chattels, lands or tenements by him exposed for sale under execution.

Forfeiture of office for false returns

29. Every sheriff or deputy sheriff who wilfully makes any false returns to any writ directed to him and placed in his hands for execution unless by the consent of both parties to the same shall be liable to forfeit his office.

Liability for misconduct in execution of

30. If the bailiff, constable or sheriff's officer entrusted with the execution of any writ, warrant or process, *mesne* or final, wilfully misconducts himself in the execution of the same, or wilfully makes any false return to such writ, warrant or process, unless by the consent of the party in whose favour the process issued, he shall answer in damages to any party aggrieved by such misconduct or false return.

Sheriff's office hours

31. Every sheriff or deputy sheriff shall, except upon legal holidays and during the long vacation, keep his office open every day from ten o'clock in the forenoon until four o'clock in the afternoon, and during all that time he or his assistant or some clerk competent to do the business for him shall be present to transact the business of the office.

In long vacation

(2) During the long vacation every sheriff and deputy sheriff, or his assistant or clerk, shall be required to be present in his

office every day, legal holidays excepted, from ten o'clock in the forenoon until one o'clock in the afternoon and no longer.

(3) Provided that sheriffs and deputy sheriffs or their respective assistants or clerks shall be required to be present in their offices for the transaction of business on every Saturday in the year, not being a legal holiday, from ten o'clock in the forenoon until one o'clock in the afternoon, and no longer. Proviso re Saturday

(4) Provided that when the office of a sheriff or deputy sheriff may be closed under this section at one o'clock in the afternoon, the sheriff or his deputy shall nevertheless upon application made to him transact all necessary and urgent business of his office in the same manner and to the same extent as on the days upon which the office must be kept open until four o'clock. Necessary and urgent business

32. Every sheriff and deputy sheriff shall be entitled to collect fees and allowances specified in that behalf in the tariff of fees in force from time to time, and such other fees as may be allowed the sheriff and deputy sheriff by any regulation, Act or Ordinance or by any judge's order. Fees and allowances

(2) The plaintiff or other party at whose suit or instance any process is issued, and the solicitors who issue the same, shall be severally liable to pay to the sheriff or deputy sheriff his taxable costs for executing such process. Liability for

(3) Where process is placed in the hands of a sheriff or deputy sheriff with instructions to seize and no goods are found which are liable to seizure, or where the seizure has been abandoned on the instructions of the person or his solicitors placing such process in the hands of the sheriff or deputy sheriff, the mileage properly payable to the sheriff or deputy sheriff in case a seizure had been made shall be paid by the party so placing the process in the hands of the sheriff or deputy sheriff. Mileage where no goods found, or seizure abandoned

33. No sheriff, deputy sheriff, assistant sheriff or sheriff's officer shall demand or take any reward directly or indirectly for doing his office or duty, or for abstaining therefrom, or in respect of the mode in which he does his office or duty, except such remuneration as is given by the Lieutenant Governor in Council to such sheriff, deputy sheriff or assistant sheriff, or which is allowed to an officer of the sheriff, and such fees and poundage as are allowed by this Act; and anyone offending against this section shall be liable to instant dismissal and on summary conviction to a fine not exceeding \$200, or to imprisonment for a term not exceeding two years with or without hard labour. Sheriffs, etc., not to take any reward except such as allowed by law

34. Every sheriff and deputy sheriff shall keep a separate book in which he shall enter from day to day all fees and emoluments received by him in virtue of his office, showing separately the fees received for each service performed, and such further facts and information as the Attorney General may from time to time require. Fees received to be recorded

35. All fees received by any sheriff or deputy sheriff shall be paid to the Provincial Treasurer by such sheriff or deputy sheriff within the first ten days of the month following the month in which such fees are received, and the cheque or remittance All fees to be paid to the Provincial Treasurer

Returns	to the Provincial Treasurer shall be accompanied by a statement in duplicate in such form as the Attorney General may prescribe, verified under oath, showing the amount of the fees received, and the amount of fees paid by him to bailiffs during such month, and shall be sent to the inspector of legal offices.
Penalty for neglect to keep books	(2) Any sheriff or deputy sheriff who fails to keep the books required to be kept under the provisions hereof, or who fails to enter therein any fees received by him and required by the provisions hereof to be entered therein, shall for each such offence be liable on summary conviction to a penalty not exceeding \$20.
Failure to transmit fees	(3) Any sheriff or deputy sheriff who fails to transmit to the Provincial Treasurer the fees required to be so transmitted by him under the provisions of this section shall for every such offence be liable on summary conviction to a penalty of \$20 for each day after he shall fail to transmit same.
Penalty	(4) The fees and moneys received by the Provincial Treasurer under the provisions hereof shall form part of the general revenue fund of the province.
Fees to go in general revenue fund	

Books open to public inspection

Process books

36. Every sheriff and deputy sheriff shall keep in his office open to the inspection of any person the following books, namely:

1. Process books, in which shall be entered a memorandum of every process other than writs of execution, or writs in the nature of writs of execution, received by the sheriff or deputy sheriff, the court out of which the same issued, the date of the receipt, the nature of the process, the names of the parties thereto, the advocate by whom issued, the date of the return and the nature of the return made thereto or what was thereunder or therewith done respectively;

Execution books

2. An execution book, in which shall be entered a memorandum of every writ of execution or writ in the nature of a writ of execution, the court out of which the same issued, the names of the parties thereto, the advocate by whom issued, the date of return and the nature of the return made thereto or what was done thereunder or therewith; and 1913 (2), c. 2, s. 19.

Cash book

3. A cash book, in which shall be entered all cash received or paid away by the sheriff or deputy sheriff in his official capacity, or in connection with his office for any service whatever—for fees, poundage, service of process and papers, attendance at court, moneys levied under execution or under writs in the nature of writs of execution or otherwise, the date of the receipt or payment and the cause, matter or service in which or on account of which the same was received or paid away.

Seal of office

(2) And a seal of office.

Supplying books and seal

37. The said books and seal shall be supplied out of the general revenue fund of the province.

Assistant sheriff to continue office in case of death, resignation, or removal of sheriff

38. In case a sheriff or deputy sheriff dies, resigns his office and his resignation is accepted, or is removed therefrom, the assistant sheriff, if one has been appointed, shall nevertheless continue the office of sheriff or deputy sheriff and execute the same and all things belonging thereto in the name of the sheriff or deputy sheriff so dying, resigning or being removed until another sheriff or deputy sheriff has been appointed and sworn into office, and the assistant sheriff shall be answerable for the

execution of the office in all respects and to all intents and purposes whatsoever during such interval as the sheriff or deputy sheriff so dying, resigning or having been removed would by law have been if he had been living or had continued in office, and the security given by the assistant sheriff, as well as the security given by the said sheriff or deputy sheriff under this Act shall remain and be a security to the King, his heirs and successors and to all persons whatsoever for the due and faithful performance of the duties of his office during such interval by the assistant sheriff.

(2) In the case of the death, resignation or removal of a sheriff or deputy sheriff, if there is at the time no assistant sheriff, the clerk or deputy clerk of the Supreme Court for the judicial district or portion thereof as the case may be, shall *ex officio* be the sheriff or deputy sheriff *pro tempore* until another person is appointed sheriff or deputy sheriff, and the said clerk or deputy clerk on becoming sheriff or deputy sheriff *pro tempore* shall do and perform every act, matter or thing necessary for the execution of such office, and the sheriff or deputy sheriff *pro tempore* shall be answerable for the execution of the office in all respects and to all intents and purposes whatsoever during such interval as the sheriff or deputy sheriff so dying, resigning or having been removed would by law have been if he had been living, or had continued in office, and any security given by a sheriff or deputy sheriff so dying, resigning or being removed as aforesaid shall be security to the King, his heirs and successors and to all persons whatsoever for the due and faithful performance of the duties of his office by the sheriff or deputy sheriff *pro tempore*.

Where vacancies occur in office of sheriff or deputy sheriff and no assistant sheriff clerk of court to act

Temporary sheriff responsible

39. All books, accounts, records, papers, writs, warrants, processes, moneys and other matters and things in the possession or under the control of any sheriff or deputy sheriff by virtue of or appertaining to his office as sheriff or deputy sheriff, shall be the property of the Government of the province and the same and every of them shall immediately upon the resignation, removal from office or death of any such sheriff or deputy sheriff be, by the party in whose possession or control they may come or happen to be, handed over to and taken possession of by the successor in office of such sheriff or deputy sheriff if appointed, or by the person named in section 38 of this Act if no successor has been appointed. 1913 (1st Session), c. 9, s. 22.

Books, records, etc., to be property of Government

Disposition on vacancy of office

40. No person except the successor in office of the sheriff or deputy sheriff so resigning, being removed or dying, or the person named in section 38 of this Act, shall take, have or hold any such books, accounts, records, papers, writs, warrants, process, moneys, or other matters or things; and any person having or holding any of the matters aforesaid shall forthwith on demand deliver over the same and every of them to the said succeeding sheriff or deputy sheriff, or to the person so named as aforesaid; and upon any such person neglecting or refusing so to do on conviction thereof before a judge of the Supreme Court of the Province of Alberta he shall be liable to pay a penalty not exceeding \$200.

Possession of books, etc., after vacancy

Penalty

41. A sheriff or deputy sheriff after resigning office or being removed therefrom, or, in case of the death of a sheriff or deputy

Ex-sheriff to have access to books

sheriff, his heirs, executors or administrators shall or may at any and at all time or times thereafter have the right and be at liberty to have access to search and examine into any or all accounts, books, papers, warrants and processes of whatever kind and all other matters or things which were formerly in the possession of him the said sheriff or deputy sheriff before his resignation or removal, and which at the time of making or requiring to make such search or examination are in the possession or control of the succeeding sheriff or deputy sheriff, free of all costs, charges and expenses.

Sale of lands
by sheriff

Procedure
when vacancy
occurs

42. In case of the death, resignation or removal of a sheriff or deputy sheriff or of any assistant while there is no sheriff after he has made a sale of lands but before he has made a transfer of the same to the purchaser, such transfer shall be made to the purchaser by the sheriff, the deputy sheriff or assistant sheriff who is in office acting as sheriff or deputy sheriff as aforesaid at the time when the deed of conveyance is made.

Continuation
of actions after
death, etc.,
of sheriff

43. In the event of the death, resignation or removal from office of a sheriff or deputy sheriff, after action brought or proceedings commenced by him as sheriff or deputy sheriff the action or proceedings shall not abate, but may be continued in the name of his successor, to whom the benefit of all sureties given to the sheriff or deputy sheriff in his official capacity shall enure.

Restoration
of documents,
etc., to sheriff

44. Every assistant sheriff, bailiff or other sheriff's officer or clerk entrusted with the custody of any writ of process or of any book, paper or document belonging to a sheriff or deputy sheriff or his office shall upon demand upon him by such sheriff or deputy sheriff restore and return such writ, process, book, paper or document to the custody of the said sheriff or deputy sheriff, and in case of any neglect or refusal to return and restore the same as aforesaid the party so neglecting or refusing may be required by an order of the Supreme Court or of any judge of such court to return and restore such writ, process, book, paper or document to such sheriff or deputy sheriff, and if he disobeys such order may be further proceeded against by attachment as in other cases of contumacy to orders or rules of court.

Sheriff's
officer to
deliver process
when required

45. If any assistant sheriff, bailiff or sheriff's officer or clerk shall have in his possession, custody or control any writ of summons, *feri facias* or other writ or any bench warrant or process whatsoever and shall, upon demand made by the sheriff or deputy sheriff from whom the same may have been received or his successor in office or by any other party entitled to the possession of the same, neglect or refuse to deliver up the same, such sheriff or deputy sheriff or his successor in office, or the party entitled to possession of the same may proceed by summons and order before any judge having jurisdiction in the court out of which such writ or process issued to compel the production thereof; which order may be enforced in the same manner as like orders for the return of writs against sheriffs and with or without costs or such summons may be discharged with costs against the party applying in the discretion of the judge aforesaid.

46. Before an action is commenced by a sheriff or deputy sheriff for the recovery of a bill of costs, fees and expenses, chargeable against a solicitor, and after the expiration of one month from the service of the bill, the sheriff or deputy sheriff may serve the solicitor with a notice of an application to a judge of the Supreme Court or to a judge of the District Court of the district for which the said sheriff or deputy sheriff has been appointed, returnable not earlier than eight days from the day of service, for payment of the amount of the bill, and the amount claimed shall be stated in the notice.

Sheriff before action for fees may serve notice of application to the Court for payment

(2) On the return of the notice the judge may without a reference direct the payment to the sheriff or deputy sheriff of the amount of his demand, or of any less amount, either without costs or with costs, to be fixed by an order or to be taxed, or the judge may order the bill and the demand thereon to be taxed by the proper officer of any of the said courts, and may direct that the officer shall tax to the party entitled thereto his costs of the reference, and may also direct that the sheriff or deputy sheriff and the solicitor shall respectively pay what may be found due to the other upon the conclusion of the reference and taxation, and the judge making the reference shall restrain the bringing of any action pending the reference and in case the order of reference does not make provision in this behalf the officer named in the order of reference may in his discretion, having regard to the matters in dispute between the parties and occasioning the costs, tax the costs of the order and reference or any portion thereof in favour of either party or may disallow any part thereof.

Power of court or judge and proceedings on return of notice

(3) The party entitled to payment may, at the expiration of eight days from the date of the order, or of the certificate of the taxing officer as the case may be, sue out a writ or writs of execution for the amount ordered or certified to be payable to him.

Execution for amount payable

47. No sheriff, deputy sheriff or assistant sheriff while holding office shall practise as an advocate of the province, or be a member of any firm of advocates practising in the province.

May not practise as barrister or solicitor

48. The Attorney General may from time to time make such regulations and give such directions as he deems necessary or advisable for the carrying out of the provisions of this Act.

Attorney General may make regulations

49. Chapter 17 of the Statutes of Alberta, 1906, is hereby repealed.

Repeal

SCHEDULE A.

OATH OF OFFICE.

Province of Alberta,
Judicial District of.....}

I, A.B., of....., in the Judicial District of....., Esquire, having been appointed sheriff (or deputy sheriff) of the Judicial District of....., do swear that I will well, truly and faithfully perform and execute all the duties required of me under the laws of this province pertaining to the said office of.....sheriff (or deputy sheriff) so long as I continue

therein, and that I have not given directly or indirectly, or authorized any persons to give any money, gratuity or reward whatsoever for procuring the said office for me.

Sworn before me at..... }
in the Judicial District of..... } A.B.
the.....day of.....A.D. 19..... }

*C.D.,
Judge, Notary Public, Commissioner or J.P. (as the case may be).*

1909

CHAPTER 12.

An Act for the Protection of Neglected and Dependent Children.

(Assented to February 25, 1909.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

DEFINITIONS.

1. This Act may be cited as "*The Children's Protection Act of Alberta.*"

2. In this Act—

(a) "Child" shall mean a boy or a girl actually or apparently ^{Child} under seventeen years of age. 1910, c. 2, s. 23.

(b) "Children's Aid Society" shall mean a Society ^{Children's Aid Society} having among its objects the protection of children from cruelty and the care and control of neglected children which has been approved by the Lieutenant Governor in Council for the purposes of this Act; and except in a municipality in which there is a Children's Aid Society shall mean the superintendent;

(c) "Court of summary jurisdiction" shall mean and include a ^{Court of summary jurisdiction} police magistrate, a justice of the peace appointed as a commissioner under this Act or two justices;

(d) "Foster home" shall mean a home in which a neglected child ^{Foster home} may be placed as a member of the family;

(e) "Judge" shall mean a judge or a retired judge of the Supreme ^{Judge} Court or of the District Court, or a police magistrate, or a justice of the peace appointed as a commissioner for the trial of juvenile offenders, or two justices;

(f) "Minister" shall mean the Attorney General or such other ^{Minister} member of the Executive Council as may be entrusted with the administration of this Act;

(g) "Municipality" shall mean a city whether incorporated by ^{Municipality} special Act or otherwise, town, village or rural municipality. 1911-12, c. 4, s. 34; 1913, c. 9, s. 23.

(h) "Neglected child" shall mean a child who is found begging, ^{Neglected child} receiving alms, thieving in a public place, sleeping at night in the open air, wandering about at late hours, associating or dwelling with a thief, drunkard or vagrant, or who is incorrigible or cannot be controlled by its parents or who is employed anywhere between the hours of ten o'clock p.m. of one day and six o'clock a.m. of the following day, or a child who by reason of the neglect, drunkenness or other vice of its parents, is growing up without salutary parental control and education, or in circumstances exposing such child to an idle and dissolute life; or who is found in a house of ill-fame, or known to associate with or be in the company of

a reputed prostitute; or who is a habitual vagrant; or an orphan and destitute; or deserted by its parents; or whose only parent is undergoing imprisonment for crime; or who by reason of ill-treatment, continual personal injury or grave misconduct or habitual intemperance of its parents or either of them is in peril of loss of life, health or morality; or in respect to whom its parents or only parent have or has been convicted of an offence against this Act, or under *The Criminal Code*; or whose home by reason of neglect, cruelty or depravity, is an unfit place for such child, and "neglected children" shall mean two or more of such children;

Parent

(i) "Parent" shall include a guardian and every person who is by law liable to maintain a child;

Place of safety

(j) "Place of safety" shall include an industrial school or house of industry for boys or girls, or a shelter or temporary home established by a Children's Aid Society, but not a gaol, prison, police station, lockup or guardroom;

Public place

(k) "Public place" shall mean a street, highway or lane, whether a thoroughfare or not, and a tavern or other place of public resort, and generally any place to which the public have or are permitted to have access;

Superintendent

(l) "Superintendent" shall mean the superintendent of neglected and dependent children. 1910, c. 2, s. 23.

Jurisdiction
of judges and
magistrates

3. A judge or a retired judge of the Supreme Court or of a District Court shall have jurisdiction under this Act in any part of Alberta. A police magistrate or a justice of the peace appointed as aforesaid, or two justices shall have jurisdiction in the locality for which they hold office.

SUPERINTENDENT OF NEGLECTED CHILDREN.

Superintendent
of neglected
and dependent
children

4. The Lieutenant Governor in Council may appoint an officer to be known as the superintendent of neglected and dependent children, whose salary shall be paid out of such moneys as may be appropriated for that purpose by the Legislature; and it shall be his duty—

Duties

- (a) To encourage and assist in the establishment of Children's Aid Societies;
- (b) To advise such societies and instruct them as to the manner in which their duties are to be performed;
- (c) To see that a record is kept by such societies of all committals and of all children placed in foster homes under this Act and of such other particulars as may be deemed desirable;
- (d) To direct and supervise the visiting of any place where a child is placed pursuant to the provisions of this Act;
- (e) To prepare and submit an annual report to the Minister;
- (f) To perform such other duties as may be prescribed by the Lieutenant Governor in Council.

Powers of
superintendent

The superintendent shall have and may exercise all the powers conferred upon a Children's Aid Society, and shall have power to appoint such person or persons or committee as he may see fit to act for him as occasion may require.

CHILDREN'S SHELTER.

Children's
shelters

5. For the better protection of neglected children the corporation of every city or town having a population of 10,000 or over

shall provide and maintain one or more places of refuge for such children only, to be known as temporary homes or shelters. Such homes shall be entirely distinct and separate from any penal or pauper institution, and no pauper or convict shall be permitted to live or work therein, and they shall not be used as a permanent residence for any child, but for its temporary protection for so long a time only as shall be absolutely necessary for placing the child in a foster home, not exceeding three months, unless authorized by the superintendent, and no neglected child shall be refused admittance to the shelter when accompanied by the order of the president of a local Children's Aid Society or of the superintendent. 1910, c. 2, s. 23.

(2) An orphan or children's home may, with the consent of the trustees or governing body thereof, be used as a temporary home or shelter under this section; and when desirable for economical reasons, not inconsistent with the welfare of the children to be provided for, such temporary home or shelter may be established in a private family; but in no case shall such home or shelter be under the same care and management as a penal or pauper institution.

Orphan and
children's
home

(3) When a Children's Aid Society has been established it shall have the supervision and management of children in the temporary home or shelter provided by or at the expense of the municipality; but this provision shall not apply to an orphan asylum or other children's home mentioned in subsection 2 without the consent of the trustees or governing body thereof.

(4) If a society established under this Act ceases to exist or does not hold a meeting for a period of six months, the secretary or other officer shall deliver to the superintendent all books, documents, records, financial statements, and pay over to him all trust funds on hand, and the society or committee shall thereupon be dissolved and its property shall be vested in the Minister, and the superintendent shall then reorganize the work, or make such arrangements for carrying it on as the Minister may approve.

(5) The municipality of every city or town of 10,000 population or over shall appoint and pay one or more agents or officers for the enforcement of this Act and notice of such appointment shall be forthwith given to the Children's Aid Society of the city or town and to the superintendent. 1910, c. 2, s. 23.

(6) The agent or officer shall for the purposes of this Act be vested with the powers of a peace officer and shall have authority to enter factories, workshops, stores, homes and all other places where children may be employed or congregated and shall perform such services as may be necessary for the enforcement of this Act. 1910, c. 2, s. 23.

(7) If the municipality neglects to provide and pay such agent or officer before the first day of February in each year the Children's Aid Society of the city or town or the superintendent may appoint such agent or officer for the city or town at a salary to be approved by the Attorney General and such agent or officer shall be entitled to recover such salary from the municipality. 1910, c. 2, s. 23.

(8) The superintendent may make rules not inconsistent with the provisions of this Act or the regulations thereunder for the direction of the agent or officer and the enforcement of the Act. 1910, c. 2, s. 23.

(9) Every agent or officer appointed under this Act shall report monthly to the local Children's Aid Society and to the superintendent according to the forms prescribed by the superintendent. 1910, c. 2, s. 23.

(10) The superintendent may suspend any agent, officer or employee of a Children's Aid Society, guilty of improper conduct or negligence in the performance of his duties, pending investigation by the society; notice of such suspension shall be served by registered letters on the president of such society, in the district, within five days thereafter and such agent, officer or employee may be discharged by the municipality, society or person appointing him. 1910, c. 2, s. 23.

MAINTENANCE OF CHILDREN.

6. A judge may, upon the application of any society to whose custody or control a child is committed, make an order for the payment by the municipality to which the child belongs, of a reasonable sum, not being less than \$3.00 weekly, for the expense of supporting the child by the society, or in a temporary home, or in a foster home where children are not cared for without compensation. 1910, c. 2, s. 23.

Presumptive
residence
of child

(2) For the purposes of this section a child shall be deemed to belong to the municipality in which it has last resided for the period of one year; but in the absence of evidence to the contrary, residence for one year in the municipality in which the child was taken into custody shall be presumed.

Recovery
from other
municipalities

(3) A municipality which has made a payment under the provisions of this section for the maintenance of a child in respect to whom some other municipality is liable shall be entitled to recover the amount so paid from such other municipality and upon proof of payment to obtain from a judge an order for the payment of the same. 1913, c. 9, s. 23.

Recovery
from parent

(4) A municipality which has made a payment under the provisions of this section may recover the amount of the same from the parent of the child, and upon proof of payment shall be entitled to an order from a judge directing the parent to pay the amount. 1913, c. 9, s. 23.

Additional
maintenance

(5) At any time after the committal of a child the municipality or the Children's Aid Society may apply to the judge of the District Court of the district in which the parent resides for an order for payment of such maintenance or of such additional maintenance as to him may seem just, and a parent may also apply to the judge in like manner for an order reducing the amount payable under any such order, or revoking, varying, or suspending the operation of the same.

Enforcing
judge's order

(6) An order made under this section may be enforced in the same manner as an order made by a judge of a District Court, and may be enforced under *The Act respecting the enforcement of Judges' Orders in Matters not in Court*.

APPREHENSION OF NEGLECTED CHILD.

Neglected
child

7. The chief constable or a sergeant of police in any municipality, or any commissioned or non-commissioned officer of the Royal North-West Mounted Police, or truant officer appointed

under *The Truancy Act*, or any officer of a Children's Aid Society, duly authorized thereto by a district judge, or the superintendent, Apprehension may apprehend without warrant and bring before the judge a neglected child. 1910, c. 2, s. 23.

(2) The child shall be brought before the judge for examination Proceedings before judge within one week after apprehension, and the judge shall investigate the facts of the case and ascertain whether the child is a neglected child and its age, and the name, residence and religion of its parents.

(3) The judge may compel the attendance of witnesses. Witnesses

(4) The parents or person having the actual custody of a child Parents, etc., may appear shall be notified of the investigation, and any person may appear on behalf of the child.

(5) If on such investigation the judge finds that the child is a neglected child, he may order that the child be delivered to the Children's Aid Society, and the society may send the child to their temporary home or shelter to be kept until placed in a foster home. Child may be delivered to society

(6) The order shall contain a statement of the facts so far as Order to be filed with superintendent and society ascertained and shall be filed with the superintendent, and the judge shall transmit a certified copy thereof to the Children's Aid Society.

(7) If, in the opinion of the judge, the child has been leading an immoral or depraved life, or is not a fit subject to be dealt with Child may be committed to industrial school under subsection (5) the judge may order the child to be committed to the industrial school (if a boy) or refuge for boys or girls, or other suitable institution, or to a charitable society willing to receive such child, to be kept, cared for and educated for a period not exceeding three years, and thereafter to be delivered to the Children's Aid Society for the purpose of being placed in a foster home until the child arrives at the age of eighteen years.

TO SELECT FOSTER HOMES.

8. The Children's Aid Society to the care of which a child Foster homes has been committed shall, subject to the provisions of sections 12 and 13, be the legal guardian of such child, and it shall be the duty of such society to use diligence in providing a suitable home for such child.

(2) The society may place the child in a foster home until he or she is eighteen years of age, or for any shorter period in the discretion of such society, under a written contract which shall provide for the education of the child in a public school, if available (or in the case of a Roman Catholic child in a separate school, if available), for teaching some useful occupation, for kind and proper treatment as a member of the family, and for payment on the termination of such contract to the society for the use of the child of any sum of money that may be provided for in the contract and shall contain a provision reserving the right to withdraw the child from any person having its custody when in the opinion of the society the welfare of the child so requires. Society may place child in home

(3) Where a child has been placed in a foster home, and has failed to show good conduct or for any other reason requires special training, the superintendent may order such child (if a boy) to be transferred to the industrial school or other suitable institution, or if a girl to some suitable institution, and such transfer shall have the same effect as if made by a judge. Superintendent may transfer child to industrial school

Society may
take control
of child by
resolution

9. Where a child is deserted by its parents and is maintained by a Children's Aid Society, or in a foster home, having been placed there by proper authority, the Children's Aid Society may at any time resolve that the child shall be under the control of such society until it reaches the age of eighteen years, or such earlier age as may be thought proper, and thereupon until the child reaches that age all the powers and rights of the parent in respect of the child shall, subject to the provisions of this Act, vest in the society.

Resolution
may be
rescinded

(2) The society may rescind such resolution if they think that it will be for the benefit of the child that it should be rescinded or may permit the child to be either permanently or temporarily under the control of its parent, or of any other relative or of any friend.

Judge may
determine
resolution

(3) A judge of the Supreme Court or a judge of the District Court, if satisfied on complaint made by a parent of the child that the child has not been maintained by the society, or was not deserted by such parent, and that it is for the benefit of the child that it should be either permanently or temporarily under the control of such parent, or that the resolution of the society should be determined, may make an order accordingly, and any such order shall be complied with by the society, and if the order determines the resolution it shall be thereby determined as from the date of the order, and the society shall cease to have the rights and powers of the parent in respect of the child.

When child to
be deemed to
be maintained
by society

(4) For the purposes of this Act a child shall be deemed to be maintained by a Children's Aid Society if it is wholly or partly maintained by them, either in a shelter or temporary home or other institution conducted by the society or is placed out under the provisions of this or any other Act.

When to be
deemed
deserted

(5) Where a parent has been convicted on a criminal charge, or in respect of an offence committed against his child the child shall be deemed to be deserted by that parent.

Other persons
not relieved
care

(6) Nothing in this section shall relieve any person from liability to contribute to the maintenance of a child; but the fact of such contribution being made shall not deprive the society of any of the powers and rights conferred on them by this section.

Application
to court for
production
of child

10. Where a parent applies to the Supreme Court for an order for the production of a child committed under this Act, and the court is of opinion that the parent has abandoned or deserted the child, or that he has otherwise so conducted himself that the court should refuse to enforce his right to the custody of the child, the court may in its discretion decline to make the order.

Court
may order
compensation

(2) If at the time of the application the child is being brought up by another person, or has been placed out by a Children's Aid Society, the court if it directs the child to be given up to the parent may order that the parent shall pay to such person or society the whole of the expenses properly incurred in bringing up the child, or such portion thereof as may seem just.

Order when
child deserted
or brought up
by others

(3) Where a parent has—

(a) Abandoned or deserted his child;

(b) Allowed his child to be brought up by another person at that person's expense, or by a Children's Aid Society for such time and under such circumstances as to satisfy

the court that the parent was unmindful of his parental duties;

the court shall not make an order for the delivery of the child to the parent unless he satisfies the court that having regard to the welfare of the child he is a fit person to have the custody of the child.

(4) If the court is of opinion that the parent ought not to have the custody of the child but that the child is being brought up in different religion from that in which the parent has a legal right to require that the child shall be brought up, the court shall have power to make such order as the court may think fit to secure that the child be brought up in that religion. Order as to religious education

(5) Nothing in this section shall affect the power of the court to consult the wishes of the child in determining what order ought to be made or any right which a child now possesses to exercise its own free choice. Child's wishes to be consulted

SURRENDER OF CHILDREN.

11. A parent, who by instrument in writing has surrendered the custody of a child to a Children's Aid Society, incorporated Boys' or Girls' Home, Orphans' Home or Asylum, or Children's or Infants' Home, shall not thereafter contrary to the terms of such instrument be entitled to the custody of or any control or authority over or any right to interfere with such child. Parent who has surrendered custody of child

(2) No parent shall surrender the custody of such child to any person, society, institution, home or other organization, without first having obtained the consent, in writing, of the superintendent, and any surrender without such consent shall be null and void. 1910, c. 2, s. 23.

(3) Any parent who violates the provisions of the immediately preceding subsection shall be liable on summary conviction to a fine of not more than one hundred dollars, and in default of payment, to imprisonment for a term not exceeding three months. 1910, c. 2, s. 23.

RIGHT OF INSPECTION.

12. Every society or person to whose care a child is committed under the provisions of this Act, and every person entrusted with the care of any such child, shall, from time to time, submit such child to be visited and any place where such child may be or reside to be inspected by the superintendent or any person duly authorized in that behalf. Right of superintendent to inspect

13. Subject to such regulations as may be approved of by the Minister, all ministers of religion or persons authorized by the recognized head of any religious denomination, shall have admission to every temporary home or shelter, and access to such of the children placed or detained therein as belong to their respective denominations, and may give instruction to them on the days and at the times appointed by such regulations for the religious education of such children, and may enter in a book to be kept for that purpose any remarks pertinent to the work or shelter. Ministers of religion to be admitted to shelters

INSTITUTIONS MAY TRANSFER CHILDREN.

Homes or
schools may
transfer child

14. Notwithstanding the provisions of any by-law, rule or regulation for the government or control of an incorporated Orphanage, Children's Home, Infants' Home or Industrial School, the trustees or governing body thereof may take advantage of the provisions of this Act by transferring any child under their guardianship to the superintendent or to the Children's Aid Society in the locality of such orphanage, home or school, to be placed out by the superintendent, or by such Children's Aid Society in pursuance of the provisions of this Act, and in such case it shall be the duty of the superintendent to visit such child.

(2) No such transfer shall be made or be valid without the consent in writing of the superintendent. 1910, c. 2, s. 23.

Rules to
be made by
Minister

15. The Minister may make rules respecting the management of societies operating under this Act.

CHILDREN OUT AT NIGHT.

Child in
public place
at night

16. Municipal councils in cities, towns and incorporated villages may pass by-laws regulating the time after which children shall not be in a public place at night without proper guardianship and the age or apparent age of boys and girls respectively under which they shall be required to be in their homes at the hour appointed.

To be warned
and taken
home or to
shelter

(2) A child found in a public place after the time appointed may be warned to go home by any constable or peace officer and if after such warning the child is found loitering in a public place such child may be taken by the constable or officer to its home or to the Children's Shelter.

Penalty for
parent

(3) Any parent may be summoned for permitting his child to habitually violate such by-law, and may be fined for the first offence \$1, without costs, and for the second offence \$2, and for a third or any subsequent offence \$5.

16a. Municipal councils in cities, towns and incorporated villages may pass by-laws regulating and controlling and licensing children engaged as—

- (a) Express or dispatch messengers;
- (b) Vendors of newspapers and smallwares;
- (c) Bootblacks. 1911-12, c. 4, s. 34.

(2) No license fee imposed hereunder shall exceed the sum of 50 cents per annum, and no child engaged in two or more of the said occupations shall be compelled to take out more than one license, nor pay more than one license fee. 1911-12, c. 4, s. 34.

(3) No such license shall be granted to any female child nor to any male child under the age of 12 years, nor to any male child of the age of 12 years but under the age of 14 years, unless such child shall present written authority from his parent or guardian authorizing him to make application for a license for the purpose of engaging in any of the above named occupations. 1911-12, c. 4, s. 34.

(4) No licensee under this section shall be permitted to engage in any occupation for which he is licensed within the limits of the municipality after the hour of 8 o'clock in the evening in the

months of December, January and February, or after the hour of 9 o'clock in the evening throughout the rest of the year, or during school hours. 1911-12, c. 4, s. 34.

PENALTY FOR ILL-TREATMENT.

17. Any person who, having the care, custody, control or charge of a boy under the age of fourteen years, or a girl under the age of sixteen years, ill-treats, neglects, abandons or exposes such child, or causes or procures such child to be ill-treated, neglected, abandoned or exposed in a manner likely to cause such child unnecessary suffering or serious injury to its health, shall be guilty of an offence under this Act, and upon conviction shall incur a penalty not exceeding \$100, and in default of payment of such fine, or in addition thereto, to imprisonment for a term not exceeding one year.

CAUSING CHILDREN TO BE NEGLECTED.

18. Any person who—

- (a) Causes or procures a child to be in any public place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretences of singing, playing, performing, offering anything for sale, or otherwise; or
- (b) Causes or procures a child to be in any public place for the purpose of singing, playing, or performing for profit, or offering anything for sale, or procures or causes a child to be employed, between ten p.m. of one day and six a.m. of the following day; or
- (c) Subject to the provisions of subsection (2) causes or procures any child to be at any time in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, or offering anything for sale; or
- (d) Is wilfully guilty of an act or omission producing, promoting or contributing to a child being or becoming a neglected child;

shall be guilty of an offence under this Act, and on conviction shall incur a penalty not exceeding \$100, and in default of payment of the penalty, or in addition thereto, shall be liable to imprisonment for a term not exceeding one year. 1910, c. 2, s. 23.

(2) In the case of any entertainment or series of entertainments to take place in premises used for public entertainment, or in any circus or other place of public amusement where it is shown that proper provision has been made to secure the health and kind treatment of a child proposed to be employed thereat, the mayor of any city or town or chairman of any village council may grant a license for such time and during such hours of the day, between ten p.m. of one day and six a.m. of the following day, such employment not to exceed seven hours in any day of twenty-four hours, and subject to such restrictions and conditions as he may think fit, for any child over ten years of age of whose fitness to take part in such entertainment or series of entertainments without injury he is satisfied; and such license may at any time be varied, added to or revoked by him.

Officer to be
appointed to
supervise

(3) The municipal council shall assign to some person the duty of seeing that the restrictions and conditions of any license granted under authority of this section are duly complied with, and such person shall have power to enter, inspect and examine any place at which the employment of a child is for the time being licensed. This duty shall be discharged by the chief constable of the municipality until some other person is appointed. 1910, c. 2, s. 23.

POWER OF SEARCH.

Search for
neglected
child

19. If it appears to a police magistrate, or to a justice of the peace, on information laid before him on oath by any person who in the opinion of the magistrate or justice is *bona fide* acting in the interest of the child, that there is reasonable cause to suspect that a child has been or is being ill-treated or neglected in any place within the jurisdiction of such magistrate or justice in a manner likely to cause the child unnecessary suffering or to be injurious to its health or morals, such magistrate or justice may issue a warrant authorizing any person named therein to search for such child and if it is found to have been or to be ill-treated or neglected to take it to and detain it in a place of safety until it can be brought before a judge, and the judge before whom the child is brought may cause it to be dealt with in the manner provided by section 25 or by section 26.

Order for
apprehension

(2) The magistrate or justice may by the same warrant cause any person accused of an offence in respect of the child to be apprehended and brought before a judge to be dealt with according to law.

Right of
entry by
officer

(3) Any person authorized by warrant under this section to search for a child and to take it to and detain it in a place of safety may enter (if need be by force) any house, building or other place specified in the warrant, and may remove the child therefrom.

Particular
description
not needed

(4) It shall not be necessary in any information or warrant laid or issued under the provisions of this section to describe a child by name.

INTERFERING WITH WARDS.

20. No person shall—

Interfering
with wards of
Children's Aid
Society

- (a) Induce any child to leave the building or premises or custody or control of any Children's Aid Society, or of any Boys' or Girls' Home or Orphans' Home or Asylum or Children's or Infants' Home to which such child has been confined by competent authority; or
- (b) Induce or attempt to induce a child under the age of eighteen years to leave any service or apprenticeship or any place where the child has been lawfully placed for the purposes of being nursed, supported, educated or adopted; or
- (c) Induce or attempt to induce any child under the age of eighteen years to break any articles of apprenticeship or agreement lawfully entered into by or with the authority of the trustees or directors or governing body of any such Children's Aid Society, home or asylum respecting such child; or

(d) Detain or harbor such child after demand made by or on behalf of any officer of any such institution for delivery up of such a child.

(2) A person who violates the provisions of this section shall be guilty of an offence against this Act, and shall incur a penalty not exceeding \$20 and costs, and in default of payment of the penalty and costs, shall be liable to imprisonment for any period not exceeding thirty days. Penalty

JUVENILE OFFENDERS.

21. A child charged with an offence against the laws of Canada or of the Province of Alberta or who is brought before a judge under any of the provisions of this Act, shall not before trial or examination be confined in a lock-up or a police cell used for persons charged with crime, nor save as hereinafter mentioned shall such child be tried or have its case disposed of in the police court room ordinarily used. 1910, c. 2, s. 23. Separate custody of juvenile offenders

(2) The council of every municipality shall make provision for the separate custody and detention of such child prior to its trial or examination, by arrangement with a police officer or some person or society willing to undertake the responsibility of such temporary custody or detention on such terms as may be agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-up or police cells.

(3) The judge shall try such child or examine into its case and dispose thereof, where practicable, in premises other than the ordinary police court premises, or where this is not practicable, in the private office of the judge, if he have one, or in some other room in the municipal buildings, or if this be not practicable, then in the ordinary police court room, but in such last mentioned case not until two hours have elapsed after the other trials or examinations for the day have been disposed of. Children's courts

(4) Where a Children's Aid Society possesses premises affording the necessary facilities and accommodation, a child may, after apprehension under the provisions of this Act, be temporarily taken charge of by the society until its case is disposed of; and the judge shall hold the examination into the case of such child in the premises of the society. 1910, c. 2, s. 23. Inquiry may take place in premises of society

(5) Where a child or a parent charged with an offence in respect of a child under this Act is being tried, the judge shall exclude from the room or place where such person is being tried or examined all persons other than the counsel and witnesses in the case, officers of the law or of any Children's Aid Society and the immediate friends or relatives of the child or parent. Trial of offence of child or parent
Excluding public

TO NOTIFY SOCIETY'S AGENT.

22. When a complaint is made or pending against a child before a judge he shall at once cause notice in writing to be given to the executive officer of the Children's Aid Society, or to the superintendent if there be one in the country, who shall have opportunity allowed him to investigate the charge. Notice of complaint against child to be sent to society

(2) Upon receiving such notice the officer may proceed to inquire into and make full examination as to the parentage and surroundings of the child, and all the circumstances of the case and report the same to the judge. Society's officer to make inquiry

Judge may
order officer
to take charge
of child

(3) Where it appears to the judge that the public interest and the interest of the child will be best served thereby, an order may be made for the return of the child to its parents, or friends, or the judge may authorize the said officer to take such child and bind it out to some suitable person until it attains the age of eighteen years, or for any less time, or may impose a fine, or suspend sentence for a definite or indefinite period, or may cause the child, if a boy, to be sent to the Industrial School, and in that case the report of the officer of the society shall be attached to the warrant of commitment.

DISPOSAL OF YOUTHFUL OFFENDER.

Judge may
hand over
child to home
or industrial
school

23. The judge instead of committing a child to prison may order it to be removed to any place in Alberta, or may hand over the child to the charge of a home for destitute and neglected children, or if a boy, to the Industrial School, or Children's Aid Society, and the managers of such home, school or society may permit its adoption by a suitable person, or may apprentice it to a suitable trade, calling or service, and the transfer shall be as valid as if the managers were the parents of such child. 1910, c. 2, s. 23.

Interference
by parent

(2) The parents of such child shall not remove or interfere with the child so adopted, or apprenticed, except by permission in writing of the home, school, or society.

CHILDREN UNDER ARREST.

Child under
arrest not to
be in company
of adult
persons

24. No child held for trial or under sentence in any gaol or other place of confinement shall be placed or allowed to remain in the same cell or room in company with adult prisoners, and the officer in charge of such place of confinement shall secure the exclusion of such child from the society of adult prisoners during its confinement.

COMMISSIONERS MAY BE APPOINTED.

25. The Lieutenant Governor may appoint commissioners with the powers of a police magistrate, to hear and determine complaints against juvenile offenders, apparently under the age of sixteen years.

Presumptive
age of child

26. Where a person is charged with an offence under this Act in respect of a child who is alleged to be under a specified age, and the child appears to the judge to be under that age, such child shall for the purposes of this Act be deemed to be under that age, unless the contrary is proved.

PROCLAMATION.

Edmonton, Wednesday, March 22, 1911.

Pursuant to the provisions of Subsection 11 of Section 23 of *The Statute Law Amendment Act, 1910*, His Honour the Lieutenant Governor, by and with the advice of the Executive Council, has been pleased to order that a proclamation do issue proclaiming that from and after the Twenty-second day of March, 1911, the provisions of the said Section 23, in regard to *The Children's Protection Act, 1909*, be declared to be in force.

M. J. MACLEOD,
Clerk of the Executive Council.

(See *Alberta Gazette*, Vol. 7, No. 6, page 5.)

1909

CHAPTER 13.

An Act for the Payment of Wolf Bounty.

(Assented to February 25, 1909.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Wolf Bounty Act.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires—

1. The term "Minister" shall mean the Minister of Agriculture;
2. The term "inspector" shall mean any person appointed under the provisions of this Act for the purpose of issuing wolf bounty warrants;
3. The term "wolf" shall mean any timber wolf, prairie wolf or wolf pup;
4. The term "timber wolf" shall mean the large wolf known as the gray or black wolf;
5. The term "prairie wolf" shall mean coyote or brush wolf;
6. The term "wolf pup" shall mean the immature young of the prairie or timber wolf, up to the first of August in any year.

3. There shall be paid out of the general revenue of the province, on the presentation of a warrant or warrants in form approved of by the Minister, and issued by a duly appointed inspector, a bounty on timber wolves of \$10 per head; a bounty on prairie wolves of \$1 per head; a bounty on wolf pups of \$1 per head.

4. The Minister may appoint inspectors to examine pelts and issue warrants, and perform such other duties as may be imposed upon him by this Act or any regulation thereunder.

5. Inspectors shall have power to administer any oath or affirmation required by any rules or regulations made under the provisions of this Act, and shall administer such oaths or affirmations free of charge.

6. The Minister may, subject to the approval and consent of the Lieutenant Governor in Council, make rules and regulations governing the payment of bounty, the remuneration of inspectors and generally for the carrying into effect the provisions of this Act, and may from time to time with the like approval and consent alter or repeal any such rules or regulations.

7. The Lieutenant Governor in Council may in the event of any appropriation passed by the Legislature for the payment of bounty becoming exhausted, or where for any other reason it is deemed advisable so to do, direct that inspectors be notified to cease issuing warrants, and a like power is hereby vested in the Lieutenant Governor in Council to direct that warrants may be again issued.

8. Any person making a claim for bounty under this Act on pelts taken from any wolf which has been killed elsewhere than in the Province of Alberta shall be liable on summary conviction to a penalty not exceeding \$100 and costs.

1909

CHAPTER 14.

**An Act to authorize the Guarantee of Certain Securities
of the Canadian Northern Railway Company.**

(Assented to February 25, 1909.)

WHEREAS the Alberta Midland Railway Company, incorporated at the present session of this Legislature, and hereinafter called "the local company", is authorized to construct the lines of railway mentioned in the first part of the schedule hereto, and is also authorized to amalgamate with the Canadian Northern Railway Company, hereinafter called "The Canadian Northern";

And whereas the Canadian Northern is authorized to construct the lines of railway mentioned in the second part of the said schedule;

And whereas it is expedient to authorize the guarantee by the Government of certain securities to be secured upon the lines mentioned in the said schedule, and to be issued by the Canadian Northern;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council is hereby authorized on such terms and conditions not inconsistent with the provisions of this Act as may be agreed on with the Canadian Northern, to guarantee payment of the principal and interest of the bonds, debentures, debenture stock or other securities (hereinafter called "securities") of the Canadian Northern, to the extent and upon the terms hereinafter set forth.

2. The amount of securities to be so guaranteed shall not exceed the sum of thirteen thousand dollars per mile of the respective lines of railway mentioned in the schedule hereto. The certificate of the chairman of the Executive Council of Alberta as to the mileage of the said respective lines shall for the purposes of this Act and of the guaranteed securities be conclusive. The said securities may be in whole or in part made payable in lawful money of Canada, or in its equivalent in sterling or other money. The rate of interest thereon shall be the rate of four per cent. per annum, payable half-yearly. The principal shall be payable in thirty years from the passing of this Act.

3. The said securities shall be secured by one or more deeds of trust by way of mortgage or charge to a trustee or trustees approved by the Lieutenant Governor in Council, and such deed or deeds of trust shall grant a first mortgage or charge upon the line or lines of railway included therein, and in respect to the mileage of which the securities secured thereby are issued,

and the rolling stock and equipment present and future acquired for the purposes of the said line or lines; also the tolls, revenues and income arising or to arise from the said line or lines, and the rights, privileges and franchises and powers of the local company now or hereafter held by the local company, or now or hereafter held by the Canadian Northern by amalgamation with or in respect of, or by conveyance, assignment, grant or otherwise from or through the local company, in respect to the said line or lines, and the operation and maintenance thereof:

Provided always that no securities shall be guaranteed with respect to the mileage of any line mentioned in the first part of the schedule hereto until the Canadian Northern becomes authorized by amalgamation with the local company, or otherwise to construct such line.

4. The kind of securities to be guaranteed and the form and terms thereof, and the form and terms of the mortgage or deed of trust securing them, and the times and manner of the issue of the securities, and the disposition of the moneys to be raised thereon by sale, pledge or otherwise pending the expenditure of such moneys for the purposes of the said lines of railway respectively, and the form and manner of the guarantee shall be such as the Lieutenant Governor in Council may approve.

5. The said guarantee shall be signed by the Provincial Treasurer or such other officer as may be designated by the Lieutenant Governor in Council, and upon being so signed, the Province of Alberta shall become liable for the payment of the principal and interest of the securities guaranteed according to the tenor thereof, and the Lieutenant Governor in Council is hereby authorized to make arrangements for supplying the money necessary to fulfil the requirements of the said guarantee, and to advance the amount necessary for that purpose out of the general revenue of the province, and in the hands of any purchaser, pledgee or other person acquiring any of such securities, the said guarantee so signed shall be conclusive evidence that the terms of this Act with respect thereto have been complied with.

6. All moneys realized by sale, pledge or otherwise of the securities hereby secured shall be paid directly by the purchaser, subscriber, pledgee, or lender into a bank or banks approved of by the Lieutenant Governor in Council to the credit of a special account in the name of the treasurer of the province or to such other credit as the Lieutenant Governor in Council may direct; and if the money be borrowed by the company upon pledge or otherwise of any of the securities prior to sale thereof, which money shall be paid in as aforesaid, the amount so paid in shall be deducted from the purchase price subsequently received for the securities so borrowed upon, and the balance only shall be paid in; and securities borrowed upon may after the loans thereon have been paid or discharged by the company be issued or reissued, and shall be secured by the said deeds of trust and entitled to the benefit thereof notwithstanding such loans and payment or discharge. The balances at the credit of the special account or accounts shall be credited with interest at such times and at such rate as may be agreed upon between the company

and the bank holding same and the said balances shall from time to time be paid out to the company or its nominees in monthly payments as far as is practicable as the construction of the respective lines of railway specified in the schedule hereto is proceeded with to the satisfaction of the government according to the specification fixed by contract between the government and the company; and from time to time as the said work of construction proceeds the government shall out of the said balances pay to the company or its nominees in monthly payments as far as it is practicable such sums as an engineer appointed by the Lieutenant Governor in Council shall certify as justified having regard to the proportion of work done upon the said respective lines of railway as compared with the whole work done and to be done upon such lines respectively, each line for this purpose being treated as a separate line. The balance, if any, of the proceeds of such securities at the rate of \$13,000 per mile of said lines respectively treated as separate lines which may remain after the completion of the said respective lines of railway shall be paid over to the company or its nominees. Pending completion of the said respective lines the balance at the credit of such special accounts shall until paid out as above provided for be deemed part of the mortgaged premises under said deed of trust and shall not be taken to be public moneys received by the province.

7. Not less than one hundred and twenty-five miles of the lines specified in the schedule hereto shall be constructed on or before the 31st day of December, 1909, and the said lines set forth in clauses 1 and 4 of the first part of the schedule hereto, and in clause 1 of the second part of the schedule hereto shall be completed and ready for traffic on or before the 31st day of December, 1911, and the remainder of the said lines shall be completed and ready for traffic on or before the 31st day of December, 1914, and the said lines shall thereafter be operated by the Canadian Northern, which shall maintain and furnish such equipment therefor as will reasonably provide for the requirements of the freight and passenger traffic thereon. 1911-12, c. 4, s. 35; 1913 (1st Session), c. 9, s. 24; 1913 (2nd Session), c. 2, s. 20.

8. The said lines shall be constructed to a general standard not inferior to the standard of the main line of the Canadian Northern between Winnipeg and Edmonton and to the satisfaction of the chairman of the Executive Council of Alberta; before the construction of any line is commenced the general route thereof shall be approved by the Lieutenant Governor in Council.

9. Any payment by the province, of principal or interest on the said securities, pursuant to the guarantee thereof, shall not in any event be taken to affect the liability of the Canadian Northern therefor under the securities so paid or under the mortgage or deed of trust securing the payment thereof, but such liability shall remain unimpaired and enforceable by the province against the Canadian Northern. The province shall be subrogated as against the said Canadian Northern to all rights, privileges and powers to which the holders of the respective securities so paid were entitled by virtue of such securities, or of the said mortgage or deed of trust prior to payment by the province under its guarantee, and shall with respect to

the securities so paid be in the same position as a holder of securities upon which the Canadian Northern has made default.

10. Subject to the proviso in this section contained, the mortgages or deeds of trust (herein called the original instruments) securing the securities hereby authorized to be guaranteed, may provide for the issue from time to time and ranking *pari passu* with said securities, and without preference or priority one over the other of additional securities of similar kind, tenor and effect not exceeding two thousand dollars per mile of the mileage of any of the lines mentioned in the schedule hereto and also of additional securities of similar kind, tenor and effect, also ranking *pari passu*, and without preference or priority as aforesaid, not exceeding fifteen thousand dollars per mile of additional lines of railway in the Province of Alberta to be hereafter constructed by the Canadian Northern:

Provided always that before such additional securities are issued the guarantee by the province of the payment of the principal and interest thereof shall first have been authorized by the Legislative Assembly, and that such guarantee shall first have been given pursuant to such authorization.

11. Supplementary mortgages or deeds of trust (herein called supplementary instruments) covering the said lines in the schedule mentioned, and said additional lines in and form approved by the Lieutenant Governor in Council shall be taken to the trustees of the original instruments; and such additional securities shall be issued under the terms of the original instruments and supplementary instruments which together with the mortgaged premises covered thereby shall form the security for all the securities issued thereunder in the same manner and with the same effect as if the original instrument and supplementary instrument formed but one instrument, and as if all the securities issued or to be issued under the original or supplementary instruments were issued under one instrument.

SCHEDULE.

FIRST PART.

1. A line from a point on the Canadian Northern Railway, at or near Vermilion, in the Province of Alberta, in a north-westerly direction, to or near Whitford Lake, a distance of about 40 miles.

2. A line from a point between Morinville and the north boundary of township sixty-one (61), on the Edmonton and Slave Lake Railway, in an easterly direction, a distance of 40 miles.

3. A line from a point at or near Strathcona, in a generally southerly direction, *via* Calgary, to the confluence of the Little Bow and Belly Rivers, thence in a south-westerly direction to a point at or near Lethbridge, a distance of about 355 miles, with a branch line from a point near Bittern Lake, in a north-easterly direction, to, at or near Vegreville, a distance of about 50 miles. Also a branch line from near the crossing of the Little Bow River, southerly *via* Macleod, to the southern boundary of the province, a distance of about 110 miles. Also a branch line from a point on the last mentioned branch line between Macleod and the point where the said last mentioned branch line crosses the Belly River in a general westerly direction to the western boundary of the province, a distance of about 65 miles. Also a branch

line from a point between Cardston and the southern boundary of the province, on one of the branch lines hereinbefore mentioned, in a general westerly direction to the western boundary of the province, a distance of about 35 miles. Also a branch line from Calgary *via* Cochrane to the eastern boundary of Banff National Park, a distance of about 50 miles.

4. A line from a point at or near Content, westerly *via* Red Deer to a point in Township 38, Range 3, west of the 5th Meridian, a distance of about 60 miles.

SECOND PART.

1. A line from, at or near Edmonton, in a north-westerly direction, towards Peace River, a distance of about 50 miles.

2. From a point at or near Morinville on the Edmonton and Slave Lake Railway, thence northerly a distance of about 72.40 miles to Athabasca Landing. 1911-12, c. 4, s. 35 (2).

1909

CHAPTER 15.

**An Act to authorize the Guarantee of Certain Securities
of The Grand Trunk Pacific Branch Lines Company.**

(Assented to February 25, 1909.)

WHEREAS the Grand Trunk Pacific Branch Lines Company, a company incorporated by an Act of Parliament of Canada, being chapter 99 of the Acts passed in the sixth year of His Majesty's reign and hereinafter called "the company," is authorized to construct the lines of railway mentioned in the first part of the schedule hereto;

And whereas the company has applied to the Parliament of Canada for power to construct and operate the lines of railway mentioned in the second part of the schedule hereto;

And whereas it is expedient to authorize the guarantee by the Government of certain securities to be secured upon the lines mentioned in the said schedule, and to be issued by the company;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council is hereby authorized on such terms and conditions not inconsistent with the provisions of this Act as may be agreed on with the company, to guarantee payment of the principal and interest of the bonds, debentures, debenture stock or other securities (hereinafter called "securities") of the company, to the extent and upon the terms hereinafter set forth.

2. The amount of securities to be so guaranteed shall not exceed the sum of thirteen thousand dollars per mile of the respective lines of railway mentioned in the schedule hereto. The certificate of the chairman of the Executive Council of Alberta as to the mileage of the said respective lines shall for the purposes of this Act and of the guaranteed securities be conclusive. The said securities may be in whole or in part made payable in lawful money of Canada, or in its equivalent in sterling or other money. The rate of interest thereon shall be the rate of four per cent. per annum, payable half-yearly. The principal shall be payable in thirty years from the passing of this Act.

3. The said securities shall be secured by one or more deeds of trust by way of mortgage or charge to a trustee or trustees approved by the Lieutenant Governor in Council, and such deed or deeds of trust shall grant a first mortgage or charge upon the line or lines of railway included therein, and in respect to the mileage of which the securities secured thereby are issued, and the rolling stock and equipment present and future acquired for the purposes of the said line or lines; also the tolls, revenues

and incomes arising or to arise from the said line or lines, and the rights, privileges and franchises and powers now or hereafter possessed by the said line or lines, and the operation and maintenance thereof:

Provided always, that no securities shall be guaranteed with respect to the mileage of any line mentioned in the second part of the schedule hereto until the company becomes authorized by the Parliament of Canada to construct such lines.

4. The kind of securities to be guaranteed and the form and terms thereof, and the form and terms of the mortgage or deed of trust securing them, and the times and manner of the issue of the securities, and the disposition of the moneys to be raised thereon by sale, pledge or otherwise pending the expenditure of such moneys for the purposes of the said lines of railway respectively, and the form and manner of the guarantee shall be such as the Lieutenant Governor in Council may approve.

5. The said guarantee shall be signed by the Provincial Treasurer or such other officer as may be designated by the Lieutenant Governor in Council, and upon being so signed, the Province of Alberta shall become liable for the payment of the principal and interest of the securities guaranteed according to the tenor thereof, and the Lieutenant Governor in Council is hereby authorized to make arrangements for supplying the money necessary to fulfil the requirements of the said guarantee, and to advance the amount necessary for that purpose out of the general revenue of the province, and in the hands of any purchaser, pledgee or other person acquiring any of such securities, the said guarantee so signed shall be conclusive evidence that the terms of this Act with respect thereto have been complied with.

6. All moneys realized by sale, pledge or otherwise of the securities hereby secured shall be paid directly by the purchaser, subscriber, pledgee or lender into a bank or banks approved by the Lieutenant Governor in Council to the credit of a special account in the name of the treasurer of the province, or to such other credit as the Lieutenant Governor in Council may direct; and if money be borrowed by the company upon pledge or otherwise of any of the securities prior to sale thereof, which money shall be paid in as aforesaid, the amount so paid in shall be deducted from the purchase price subsequently received for the securities so borrowed upon, and the balance only shall be paid in, and the securities borrowed upon may, after the loans thereon have been paid or discharged by the company, be issued or re-issued and shall be secured by the said deeds of trust and entitled to the benefit thereof, notwithstanding such loans or payment or discharge. The balances at the credit of the special account or accounts shall be credited with interest at such times and at such rate as may be agreed upon between the company and the bank holding same, and the said balances shall from time to time be paid out to the company or its nominees in monthly payments as far as is practicable as the construction of the respective lines of railway specified in the schedule hereto is proceeded with to the satisfaction of the government according to the specifications fixed or to be fixed by contract between the government and the company; and from time to time as the

said work of construction proceeds the government shall out of the said balances pay to the company or its nominees in monthly payments as far as practicable such sums as an engineer appointed by the Lieutenant Governor in Council or such other officer as the government may appoint, shall certify as justified, having regard to the proportion of work done upon the said respective lines of railway as compared with the whole work done and to be done upon such lines respectively, each line for this purpose being treated as a separate line. The balances, if any, of the proceeds of such securities at the rate of thirteen thousand dollars per mile of the said lines respectively, treated as separate lines, which may remain after completion of the said respective lines of railway, shall be paid over to the company or its nominees. Pending completion of the said respective lines the balance at the credit of such special accounts shall, until paid out as above provided, be deemed part of the mortgaged premises under said deed of trust and shall not be taken to be public moneys received by the province.

7. Not less than fifty miles of the lines specified in the schedule hereto shall be completed on or before the 31st day of December, 1909, and the remainder of the said lines shall be completed on or before the 31st day of December, 1913, and the company shall enter into an agreement, to be approved by the Lieutenant Governor in Council, with the Grand Trunk Pacific Railway Company for the operation by such last mentioned company of said lines and for the maintenance and furnishing such equipment therefor as will reasonably provide for the requirements of the freight and passenger traffic thereon. 1911-12, c. 4, s. 36; 1913 (1st Session), c. 9, s. 25.

8. The said lines shall be constructed to a general standard not inferior to the standard of the main line of the Canadian Northern Railway between Winnipeg and Edmonton and to the satisfaction of the chairman of the Executive Council of the said province. Before the construction of any line is commenced, the general route thereof shall be approved by the Lieutenant Governor in Council.

9. Any payment by the province of principal or interest on the said securities, pursuant to the guarantee thereof, shall not in any event be taken to affect the liability of the company therefor under the securities so paid or under the mortgage or deed of trust securing the payment thereof, but such liability shall remain unimpaired and enforceable by the province against the company. The province shall be subrogated as against the company to all rights, privileges and powers to which the holders of the respective securities so paid were entitled by virtue of such securities, or of the said mortgage or deed of trust prior to payment by the province under its guarantee, and shall with respect to the securities so paid be in the same position as a holder of securities upon which the company has made default.

10. Subject to the provisos in this section contained, the mortgages or deeds of trust (herein called the original instruments) securing the securities hereby authorized to be guaranteed may

provide for the issue from time to time and ranking *pari passu* with said securities, and without preference or priority one over the other of additional securities of similar kind, tenor and effect not exceeding two thousand dollars per mile of the mileage of any of the lines mentioned in the schedule hereto and also of additional securities of similar kind, tenor and effect, also ranking *pari passu*, and without preference or priority as aforesaid, not exceeding fifteen thousand dollars per mile of additional lines of railway in the Province of Alberta to be hereafter constructed by the company:

Provided always that before such additional securities are issued the guarantee by the province of the payment of the principal and interest thereof shall first have been authorized by the Legislative Assembly, and that such guarantee shall first have been given under the authority of the Lieutenant Governor in Council:

Provided further that supplementary mortgages or deeds of trust (herein called supplementary instruments) covering the said lines and in form approved by the Lieutenant Governor in Council shall be taken to the trustees of the original instruments; and provided also that such additional securities shall be issued under the terms of the original instruments and supplementary instruments which together with the mortgaged premises covered thereby shall form the security for all the securities issued thereunder in the same manner and with the same effect as if the original instrument and supplementary instrument formed but one instrument, and as if all the securities issued or to be issued under the original or supplementary instruments were issued under one instrument.

SCHEDULE.

FIRST PART.

A line from a point on the western division of the Grand Trunk Pacific Railway between the 111th and 113th degrees of longitude, to Calgary, and thence to the southern boundary of the province at or near Coutts, a distance of about 451 miles.

SECOND PART.

A line from a point on the line of the Grand Trunk Pacific branch line between Calgary and Lethbridge; such point being in a north-easterly direction from Macleod; thence to or near Macleod, not to exceed a distance of about forty miles.

1909

CHAPTER 16.

An Act to provide for an Issue of Guaranteed Securities of The Alberta and Great Waterways Railway Company.

(Assented to February 25, 1909.)

WHEREAS the Alberta and Great Waterways Railway Company has by Act of the Legislature of the Province of Alberta been authorized to issue certain bonds secured by mortgage upon its railway (including its terminals at Edmonton as hereinafter mentioned) and whereas it is expedient that provision should be made for the guaranteeing of such bonds by the Government of Alberta as follows: To the extent of \$20,000 per mile of the mileage of the lines of its railway (length of branches and sidings being computed in making up the mileage on which the amounts are so to be guaranteed, but mileage at Edmonton terminals to be excluded in such computation), and to the additional extent of the cost of said Edmonton terminals as fixed and settled by the Lieutenant Governor in Council, the guarantee in respect of the cost of the Edmonton terminals not, however, to exceed the sum of \$400,000, and the mileage in respect of which said bonds may be guaranteed not to exceed 350 miles, such guarantee to cover principal and interest of such bonds and the bonds being payable in fifty years from the first day of January, A.D. 1909, with interest at five per centum per annum payable half-yearly:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Government of Alberta is hereby authorized, on such terms and conditions not inconsistent with the provisions of this Act as may be agreed on with the company, to guarantee the payment of the said principal and interest of bonds of the company to the amount above set forth (or its equivalent in sterling or other money), the decision of the Lieutenant Governor in Council as to the mileage of said lines and as to the cost of the Edmonton terminals to be conclusive; such bonds to bear interest at the rate of five per centum per annum, payable half-yearly and to mature on the first day of January, A.D. 1959, and may be made redeemable at any time before maturity thereof. The total of said mileage in respect of which said bonds may be guaranteed shall not exceed 350 miles.

2. The said bonds so guaranteed shall be secured by mortgage to be made to trustees approved by the Lieutenant Governor in Council and shall cover the railway above mentioned, including the said Edmonton terminals, and the rolling stock and equipment present and future acquired for the purpose of the said lines, also the tolls, revenues and incomes arising or to arise from the

said line or lines, and the rights, privileges, franchises and powers of the company now or hereafter held in respect of and in connection with the said lines and the operation, maintenance and repair thereof; and subject only to the provisions of *The Railway Act of Alberta* and *The Railway Act of Canada*, whichever may be applicable to the railway, the said mortgage shall be the first charge thereon.

3. The forms and terms of such bonds and of the mortgage securing the same and of the guarantees and the times and the manner of the issue of the bonds shall be such as the Lieutenant Governor in Council may approve.

4. The said guarantees shall be signed by the Provincial Treasurer or such officer as may be designated by the Lieutenant Governor in Council to sign the same and upon being so signed the Province of Alberta shall be liable for the payment of the principal of the bond so guaranteed and of the interest thereon from and after the date of such guarantee according to the tenor thereof, and no purchaser, pledgee or other person acquiring any of such bonds so guaranteed need inquire in respect of compliance with the terms of this Act, and in case any need should ever arise for payment by the province under such guarantee the Lieutenant Governor in Council may make arrangements for payment accordingly.

5. Save as herein otherwise provided all moneys realized by sale, pledge or otherwise of the said bonds shall be paid directly by the purchaser, subscriber, pledgee or lender into a bank or banks approved of by the Lieutenant Governor in Council to the credit of a special account in the name of the Treasurer of the province, or such other credit as the Lieutenant Governor in Council may direct; and if the money be borrowed by the company upon pledge or otherwise upon any of the bonds prior to sale thereof, which money shall be paid in as aforesaid, the amount so paid in shall be deducted from the purchase price subsequently received from the bonds so borrowed upon and the balance only shall be paid in; and bonds borrowed upon may after the loans thereon have been paid or discharged by the company be issued or re-issued and shall be secured by the said mortgage and be paid to the benefit thereof notwithstanding such loans and payment or discharge. The balance at the credit of the special account or accounts shall be credited with interest at such times and at such rate as may be agreed upon between the company and the bank holding same, and the said balance shall from time to time be paid out to the company or its nominee in monthly payments as far as it is practicable as the construction of the said lines of railway and the said terminals is proceeded with to the satisfaction of the Lieutenant Governor in Council according to the specifications fixed or to be fixed by contract between the government and the company, and in such sums as an engineer appointed by the Lieutenant Governor in Council shall certify as justified, having regard to the proportion of work done upon the said lines of railway and Edmonton terminals respectively as compared with the whole work done and to be done upon said lines and Edmonton terminals respectively, such lines and Edmonton terminals respectively for this purpose being treated

separately; provided, however, that at the option of the company the moneys so paid into the said bank shall, instead of being paid out in the manner above set out, be paid out to the company from time to time upon the completion (except as to the ballast) of every section of ten miles of railway line (and in the case of the Edmonton terminals on a progress basis *pari passu* with construction thereof and proportionately to the total estimated cost thereof as fixed and settled by the Lieutenant Governor in Council), to the satisfaction of the Lieutenant Governor in Council according to the said specifications fixed or to be fixed by contract between the Government and the company and as certified upon the certificate of the said engineer so appointed by the Lieutenant Governor in Council. The balance, if any, of the proceeds of such bonds which may remain after the completion of the said lines of railway and Edmonton terminals shall be paid over to the company or its nominees pending the completion of the said respective lines and terminals. The balance at the credit of such special accounts shall, when paid out as above provided for, be deemed part of the mortgaged premises under said mortgage and shall not be taken to be public moneys received by the province.

6. In lieu of the provisions in the last preceding paragraph contained the following provisions shall have effect at the option of the company; the bonds hereby authorized to be guaranteed shall be guaranteed, or delivered to the company or its order, from time to time upon the completion (except as to the ballast) of every section of ten miles of railway line and in the case of the Edmonton terminals on a progress basis *pari passu* with construction thereof and proportionately to the total estimated cost thereof as so fixed and settled by the Lieutenant Governor in Council and in such case interim certificates in such form as the Lieutenant Governor in Council may please may be given certifying that the bond upon which such interim certificate is endorsed is of the series intended to be guaranteed and will be guaranteed in accordance with the terms of this Act.

7. Any payment by the province of principal or interest on the said securities, pursuant to the guarantee thereof, shall not, in any event, be taken to affect the liability of the company therefor, under the securities so paid or under the mortgage securing the payment thereof, but such liability shall remain unimpaired and enforceable by the province against the company.

8. The rates for passengers and freight which may be charged by the said company shall be such as may be approved of from time to time by the Lieutenant Governor in Council.

9. The company shall not, except with the sanction of the Lieutenant Governor in Council, amalgamate with any other company or lease or transfer the railway or its franchises, or adopt any method for placing the said railway under the management or control in whole or in part of any other railway or railways in any manner whatsoever.

NOTE.—Chapters 17 to 51 inclusive of 1909 are Private Acts.

1910
(FIRST SESSION).

CHAPTER 1.

**An Act for granting to His Majesty certain sums of money
for the five months ending the thirty-first day of May,
1910.**

(*Assented to March 19, 1910.*)

Most Gracious Sovereign:

WHEREAS it appears by Message from His Honour George Hedley Vicars Bulyea, the Lieutenant Governor of the Province of Alberta, and the Estimates accompanying the said Message, that the sums hereinafter mentioned are required to defray certain expenses of the Civil Service of this province not otherwise provided for during the five months ending the Thirty-first day of May, one thousand nine hundred and ten, and for other purposes relating thereto: May it therefore please Your Majesty that it may be enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, as follows:

1. This Act may be cited as "*The Appropriation Act, 1910.*"

2. From and out of the General Revenue Fund there may be paid and applied a sum not exceeding in the whole one million four hundred and forty-three thousand and five hundred and thirty-nine dollars and twenty-five cents (\$1,443,539.25) towards defraying the several charges and expenses of the Civil Service of the province for the five months ending the thirty-first day of May, in the year of our Lord one thousand nine hundred and ten, not otherwise provided for and set forth in the schedule A to this Act, and also for the other purposes in the said schedule mentioned.

3. The due application of all moneys expended under this Act shall be accounted for.

SCHEDULE A.

I.

CIVIL GOVERNMENT—

Lieutenant Governor's Office.....	\$ 500.00
Executive Council.....	15,000.00
Attorney General's Department.....	6,000.00
Provincial Secretary's Department.....	1,200.00
Treasury Department.....	3,750.00
Provincial Auditor's Office.....	3,000.00
Public Works Department.....	15,000.00
Education Department.....	6,500.00
Agriculture Department.....	8,500.00
	<hr/>
	\$59,450.00

	II.	
LEGISLATION.....		\$ 17,700.00
	III.	
ADMINISTRATION OF JUSTICE.....		139,250.00
	IV.	
PUBLIC WORKS.....		549,840.00
	V.	
EDUCATION.....		174,700.00
	VI.	
AGRICULTURE AND STATISTICS...		128,899.25
	VIII.	
HOSPITALS, CHARITIES AND PUBLIC HEALTH.....		30,500.00
	VIII.	
MISCELLANEOUS.....		43,200.00
	IX.	
TELEPHONES.....		300,000.00
		<u>\$1,443,539.25</u>

1910
(FIRST SESSION).

CHAPTER 2.

An Act respecting Land Surveyors.

(Assented to March 19, 1910.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Alberta Land Surveyors' Short Title Act.*"

INTERPRETATION.

2. In this Act unless the context otherwise requires—

1. The expression "association" means the "Alberta Land Association Surveyors' Association";

2. The expression "president" means the president of the President said association, or the presiding officer for the time being at any general meeting of the association;

3. The expression "council" means the council of management Council of the association;

4. The expression "board" means the board of examiners Board appointed by the Senate of the University of Alberta for the purposes of examining candidates for admission to study or practise as an Alberta land surveyor of the association;

5. The expression "secretary" or "secretary-treasurer" or Secretary "registrar" means the secretary-treasurer of the association.

REGISTRATION OF LAND SURVEYORS.

3. No person shall, within the province, subsequent to the first day of January, 1911, act as a surveyor of lands other than Dominion lands, unless he has been duly authorized to practise as a land surveyor according to the provisions of this Act and shall have become registered and shall continue to be registered under the provisions of this Act under a penalty of not less than \$40 or more than \$100. 1910 (2nd Session), c. 21, s. 1.

ALBERTA LAND SURVEYORS' ASSOCIATION.

4. All persons who become duly authorized to practise as land surveyors under the provisions of this Act shall constitute the Alberta Land Surveyors' Association and shall be a body politic and corporate with perpetual succession and a common seal.

5. The said association shall have power to acquire and hold real estate not exceeding at any time an annual value of \$5,000 and to alienate, exchange, mortgage, lease or otherwise charge

or dispose of the said real estate, or any part thereof as occasion may require, and all fees payable to the association under this Act or under any by-law which may be passed by the association under the powers hereby granted shall belong to the association for the purposes of this Act.

By-law

6. The said association may pass by-laws not inconsistent with the provisions of this Act for the—

- (a) Government and discipline of its members;
- (b) Management of its property;
- (c) Maintenance of the association by levying contributions or otherwise, provided however that no such levy or levies shall in any year exceed the total sum of \$20 on each member;
- (d) Examination and admission of candidates for the study or practice of the profession; and
- (e) For all such other purposes as may be necessary for the working of the association.

(2) All by-laws shall be prepared by the council hereinafter named, and before becoming effective shall be ratified by the association at the annual general meeting or at a special general meeting to be called for the purpose.

Council of
management

7. There shall be a council of management of the association consisting of the president and vice-president of the association, and six other elective members to be elected and hold office as hereinafter provided.

Presiding
officer

(2) The president, or in his absence, the vice-president, or in the absence of both the senior elected member of the council shall act as chairman at all meetings of the council and the council at the first meeting thereof, following the election of the presiding officer and council for the ensuing year, shall appoint such other officers as may be necessary for the carrying out the provisions of this Act, who shall hold office during the pleasure of the council.

(3) Meetings of the council may be held by order of the president or at the request of three members of the council, and due notice of such meetings shall be given by the secretary to each member thereof by mailing such notice to the registered address of each said member at least 14 days previous to the time of such meeting.

Officers

(4) The members of the association shall elect annually from amongst their number a president, vice-president, secretary-treasurer, two auditors, and three members of the council of management, and the secretary-treasurer of the association shall be the registrar of the association and secretary of the examining committee.

(5) The said president, vice-president, secretary-treasurer, auditors and three members of the council may be elected at the annual general meeting in each year, provided their election is unanimous.

(6) Except in the case of an appointment to fill a vacancy caused by the resignation, death or dismissal of a member of the council, all elected members of the council shall hold office for the term of two years and until their successors have been elected; provided that in the first council elected the three

members securing the greatest number of votes shall sit for two years, the remaining three only for one year.

(7) In the case of the resignation, death or dismissal of the president, vice-president or any elective member of the council the other members of the council shall have power to fill for the unexpired portion of his term any vacancy so caused.

8. The functions of the council shall be—

- (a) To maintain the discipline of the members of the association;
Functions of council
- (b) To prevent and conciliate all misunderstandings between members of the association, and to hear and decide all complaints and accusations preferred by third parties against them in relation to their professional conduct;
- (c) To prepare the by-laws of the association;
- (d) To draw up an annual report on the operations of the association for submission to the annual general meeting of the association; and such report shall be in the form of the minutes of all meetings of the council during the preceding year.

9. Should the election of any of the officers mentioned in the preceding section not be made unanimously at the annual general meeting and a ballot be demanded for the election of any of them by any member of the association entitled to vote at such election, then and in every such case the president, or in his absence the vice-president, shall appoint two scrutineers to count the ballots, and the secretary-treasurer shall at such annual meeting receive nominations of candidates for the office or offices in respect of which such ballot shall have been demanded, and the election shall take place in the manner hereinafter provided.

(2) All elections under this Act shall be by ballot if demanded, and shall be conducted in the manner provided by this Act and by the by-laws of the association.

10. At least one week after any annual general meeting, at which a ballot has been demanded, the secretary-treasurer as registrar of the association shall send by post to each member of the association to his last known address the form (form A) of voting paper in schedule to this Act, with the list of the names of all candidates nominated at the annual general meeting and also a list of the retiring members, and the voting for officers and members of the council shall be limited to the persons who have been so nominated.

11. The votes at an election by ballot for officers and members of the council of management shall be given by closed voting papers in the form A of schedule to this Act or to the like effect and shall be delivered to the secretary-treasurer of the association at his office between the hours of ten o'clock in the forenoon and four o'clock in the afternoon on any day between the 15th day of February and the 15th day of March in each year in which an election by ballot is held, and any voting papers received by the secretary-treasurer by post during the time aforesaid shall be deemed to be delivered to him for the purposes of the election.

12. The voting papers shall upon the first Thursday after the fifteenth day of March be opened by the secretary-treasurer of the association in the presence of the scrutineers appointed as above provided, who shall examine and count the votes and keep a record thereof in a proper book provided by the council.

(2) Any person entitled to vote at the election shall be entitled to be present at the opening of the voting papers.

(3) The persons who have the highest number of votes for officers or members of the council as the case may be shall be declared elected.

Case of
equality of
votes

13. In the case of equality of votes between two or more persons which leaves the election of one or more officers or members of the council undecided then the scrutineers shall forthwith put into a ballot box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the secretary-treasurer of the association shall draw from the ballot box in the presence of the scrutineers one or more of the papers sufficient to make up the required number and the person or persons whose name or names are upon the papers so drawn shall be the officer or officers or the member or members of the council as the case may be.

Declaration
of result

(2) Upon the completion of the counting of the votes and of the scrutiny the secretary-treasurer shall forthwith declare the result of the election, and shall as soon as conveniently may be report the same in writing signed by himself and by the scrutineers to the president of the association and shall notify the elected members of their election.

Where voting
paper has too
many names

14. In the event of any member placing more than the required number of names upon the voting paper for members of the council the first names thereon only, not exceeding the required number, shall be counted.

Qualifications
for voting

15. The persons qualified to vote at an election shall be such persons as are members of the association who have paid all fees due from them to the association under the provisions of this Act and of any by-law of the association.

Officers

(2) No person shall be eligible for election to any office or to the council, or qualified to fill any vacancy thereon, or to appointment by the council to any office unless his fees have been paid and he is duly qualified under the provisions of this Act and the by-laws of the association.

Quorum

16. At any council meeting, excepting when questions of discipline are to be decided, three shall form a quorum, and all matters shall be decided by a majority of the votes of the active members of the council present at that meeting, the chairman voting only when the votes are evenly divided; but questions of discipline shall be decided only by a majority of the votes of the total council.

Disputed
elections

17. In case of any doubt or dispute as to who has or have been elected to any office, or as member or members of the council, or as to the legality of the election of any such officer or

officers, member or members of the council, it shall be lawful for the other duly elected officers and members to be, and they are hereby constituted a committee to hold an inquiry and decide who, if any, is or are the legally elected officer or officers or member or members of the council, and the person or persons, if any, whom they decide to have been elected shall be and be deemed to be the officer or officers, or member or members legally elected, and if the election is found by them to have been illegal the said committee shall have power to order a new election.

18. The annual general meeting of the association shall be held in the City of Edmonton or such other place as shall be determined at the previous annual general meeting on the Tuesday following the third Monday in January in each year. Due notice of such meeting shall be given by the secretary-treasurer to each member of the association by mailing a circular letter enclosed in a prepaid envelope addressed to his registered address at least thirty days before such meeting.

EXAMINATIONS.

19. The examinations of candidates for admission to study and also of candidates for admission to practise as Alberta land surveyors shall be under the control of the University of Alberta, the board for this purpose being appointed by the Senate of the University on the joint nomination of the president of the University; or some one deputed by him for that purpose, and the examining committee of the association as hereinafter constituted.

(2) The examining committee of the association shall consist of the secretary and three other members of the association, who shall be appointed by the council and hold office during the pleasure of the council.

(3) The duties of the examining committee shall be to consult with the president of the University of Alberta or anyone deputed by him for that purpose and to select persons who would be suitable members of the board and the names of such persons as they select shall be submitted to the Senate of the University for appointment to the board.

(4) Two members of the examining committee shall form a quorum and they shall meet at the call of the registrar of the University.

(5) Any member of the association who is in good standing may be appointed a member of the examining committee or the board.

20. Examinations of candidates for admission to study or practise as Alberta land surveyors shall be held at the University of Alberta on the fourth Monday in January in each year and at such other time or times as the Senate of the University of Alberta shall determine. 1913 (1st Session), c. 9, s. 26 (1).

21. The board shall meet at the office of the University of Alberta at the call of the registrar of the University.

ARTICLED PUPILS.

Articled
pupils

22. No person shall be admitted as articled pupil with any Alberta land surveyor unless he has previously passed an examination to the satisfaction of the board of examiners in penmanship, orthography, English grammar, arithmetic, algebra (including square root, logarithms and quadratic equations), euclid (first four books and deductions), plane trigonometry, spherical trigonometry as far as and including the solution of right-angled triangles, mensuration, practical geometry (including the use of ruling pen and the construction of plane and comparative scales), Canadian and general geography and Canadian history, and has obtained a certificate of such examination and of his proficiency from the board in such form as the board shall determine.

(2) Any apprentice or pupil articled to any Dominion land surveyor resident in the Province of Alberta when this Act shall come into force shall be entitled to obtain admission as a member of the Alberta Land Surveyors' Association upon receiving a commission as a Dominion land surveyor, and upon payment of the annual fee without further service and without being subjected to any further examination, provided he is resident in the Province of Alberta and becomes duly registered with the registrar of the association within six (6) months after receiving said commission.

Examination
and
certificate fees

23. Every applicant shall before being examined as provided in section 22, subsection 1, hereof pay to the registrar of the University of Alberta the fees chargeable by the University Senate for the said examination and certificate.

24. Applicants for examination previous to becoming articled pupils shall give one month's notice to the registrar of the University of Alberta of their intention to present themselves for examination and shall pay to the said registrar the fee required on that behalf.

(2) Upon the candidate passing the necessary examination for an articled pupil the registrar of the University of Alberta shall notify the secretary of the association of the fact.

(3) Such candidate may then become articled to an Alberta land surveyor in the form C of articles given in the schedule to this Act, and the articled pupils shall within two months after the execution of the articles transmit the same (or one of the duplicate originals thereof if the articles are in duplicate) to the secretary of the association together with the required fee.

(4) In the event of the articles not being forwarded to the secretary within the said time the pupil's time of service under articles shall count from the time when such articles are received by the secretary instead of from the date of the articles.

QUALIFICATION FOR ADMISSION TO PRACTISE.

Who is
qualified to
receive a
commission
as an Alberta
land surveyor

25. Every Dominion land surveyor who at the passing of this Act is a resident of the province, and who becomes duly registered with the registrar, on or before the first day of January,

1912, shall upon payment of the annual fee provided in this Act, be entitled without any further service or examination, to practise as an Alberta land surveyor.

(2) Every Dominion land surveyor not within the provisions of subsection 1 of this section, may, without further service and without being subjected to any examination other than with respect to any Act relating to the staking out and surveying of coal and mineral claims within the Province of Alberta, *The Land Titles Act* as far as it refers to plans, any Acts respecting ditches or drainage in the province, and such portions of *The Public Works Act* and parts of other Provincial Acts as may be required by the board of examiners, become registered and entitled upon payment of the annual fee provided in this Act, to practise as an Alberta land surveyor. 1910 (2nd Session), c. 21, s. 2.

26. Except as hereinafter provided no person shall be permitted to practise as a land surveyor in and for Alberta until he has attained the full age of 21 years and has passed an examination before the board of examiners in the following subjects, viz.: plane and solid geometry, including the first six books and the eleventh book of euclid (with the exception of the last thirteen propositions of the fifth book), algebra, including progressions, plane and spherical trigonometry, mensuration of superficies, laying out and dividing of land, descriptions by metes and bounds for deeds and other documents, the use and adjustment of surveying and levelling instruments, including the use of stadia and micrometer, the laying out of curves, practical astronomy (including finding of time, latitude, longitude, variation of the compass), the system of survey of Dominion lands as described in *The Dominion Lands Act* and manual of instructions for the survey of Dominion lands, and any Act relating to the staking out and surveying of coal and mineral claims within the Province of Alberta, *The Land Titles Act* as far as it refers to plans, any Acts respecting ditches or drainage in the province, such portions of *The Public Works Act* and parts of other Acts as may be required by the board of examiners, the theory and practice of levelling, the principles of evidence, drawing of affidavits, taking of field notes and preparation of plans, the rudiments of geology and mineralogy, the forest flora of Canada and the sufficiency of his surveying instruments and has previously served regularly and faithfully for three successive years (of which at least twelve months shall have been in actual practice in the field) except as is hereinafter provided, under an instrument in writing in the form C of the schedule to this Act, duly executed before two witnesses as articulated pupil to an Alberta land surveyor duly admitted and practising therein as such, nor until he has received from the said land surveyor a certificate in the form D of the schedule to this Act of his having so served during the said period and has deposited with the secretary of the association his own affidavit in the form E of the schedule to this Act.

Qualification
for admission
to practise

Term of
articles

27. Any person serving as articulated pupil as hereinbefore provided may with the permission of the surveyor to whom he is articulated attend the University of Alberta, or any Canadian

Attendance
of articulated
pupils at

Or institution
with similar
course of
study

school, college or university the course of study in which is, in the opinion of the board, sufficiently similar, for the purpose of taking any course of study which includes any subjects required for the final examination for admission to practise as a land surveyor but the total period of such term of articles and of such course of study shall not exceed the period of four years from the date of such articles as above mentioned and not less than three years of said period of four years shall be passed in the actual service of a practising Alberta land surveyor.

Service
required from
other
provincial
surveyors

28. Every person who, previous to the passing of this Act was, or subsequently becomes duly qualified by certificate, diploma or commission to survey lands in any province in Canada and who in order to become so qualified, has served a term under articles to a surveyor similar to the term prescribed by this Act, and who produces evidence of having passed an examination in the subjects prescribed by section 26 of this Act satisfactory to the board and who has become a resident of the Province of Alberta shall be entitled to be registered as an Alberta land surveyor upon payment of the necessary fee without further service and without being subjected to any examination other than with respect to the system of survey of Dominion lands as described in *The Dominion Lands Act* and manual of instructions for the survey of Dominion lands, and any Act relating to the staking out and surveying of coal and mineral claims within the Province of Alberta, *The Land Titles Act* as far as it refers to plans; any Acts respecting ditches or drainage in the province and such portions of *The Public Works Act* and parts of other provincial Acts as may be required by the board of examiners, but it shall rest with the board of examiners to decide whether the service of such person is equivalent to that prescribed in this Act for the pupils of Alberta land surveyors and whether the subjects of examination for the certificate, diploma or commission of a surveyor of lands in such province are sufficiently similar to those set forth in the said sections to entitle him under the foregoing provisions to such commission; and if such service or subjects of examination are in the opinion of the board not sufficiently similar to those required by this Act the board may in its discretion require any candidate for admission as an Alberta land surveyor under the provisions of this section to complete such further term of service or practice in surveying and may examine him in such of the subjects set forth in section 26 of this Act as may appear necessary. 1910 (2nd Session), c. 21, s. 3.

Persons
qualified in
other British
Dominions

29. Every person who shows to the satisfaction of the board that he has received a commission or license specially authorizing him as a surveyor of the public or Crown lands in any part of His Majesty's Dominions other than the provinces of Canada to which the provisions of the next preceding section relate and that he has had at least two years' practice either as a surveyor or as a pupil to a surveyor (of which practice at least six months has been in the field) shall be entitled to be registered upon payment of the necessary fee on passing an examination in the subjects set forth in section 26 of this Act and on his producing a certificate from an Alberta land surveyor in the form D together with his own affidavit in the form E to the schedule

of this Act that such person has in addition to the service aforesaid served under articles for one year with him, including at least six months' actual practice with him in the field.

30. Every person who has followed a regular course of study in all the branches of education required by this Act for admission as an Alberta land surveyor for at least three years in any Canadian college or university where a complete course of theoretical and practical instruction in surveying is organized, and who after examination has thereupon received from such college or university a diploma or certificate, shall be exempt from serving three years as aforesaid, and shall be entitled to be registered upon passing a final examination in such subjects as the board requires and upon payment of the necessary fee after serving one year under articles with an Alberta land surveyor including six months' actual practice with him in the field, on producing a certificate from the said surveyor in said form D together, with his own affidavit in said form E that he has served for one year as herein provided; but it shall rest with the board to decide whether the course of instruction in such college or university meets the requirements of this section.

As to University or college graduates

31. If a surveyor dies or leaves the province or is suspended or dismissed, or ceases to practice, his articulated pupil may complete his term of articles under an instrument in writing as aforesaid with any registered surveyor in actual practice.

Death of surveyor

32. A surveyor may by an instrument in writing transfer an articulated pupil with his own consent to another registered surveyor in actual practice with whom he may serve the remainder of the term of his articles.

Transfer of articles

ADMISSION OF CANDIDATES.

33. Every person desiring to be examined by the board as to his qualifications to be admitted as a land surveyor shall give notice thereof in writing to the secretary of the association at least one month previous to the time when he proposes to submit himself for examination, and shall pay to the said secretary the required fee and shall file with the said secretary the certificate or other evidence of service as hereinbefore required.

Candidates to give notice

34. The secretary shall forthwith notify the registrar of the University of Alberta of the candidate's intention to present himself for examination and shall make a report to the said registrar showing whether the candidate has complied with the requirements as to payment of fees, service and otherwise so as to entitle him to become a registered member of the association upon his passing a successful examination.

35. Upon the board reporting to the Senate of the University of Alberta that the candidate is qualified to practice the said Senate shall grant him a certificate in the following form:

Certificate

This is to certify to all whom it may concern that A.B. of has duly passed his examination before the board of examiners and has been found qualified to fill the office and perform the duties of an Alberta land surveyor in and for

Alberta, he having complied with all the requirements of the law in that behalf. Wherefore the said A.B. is by law authorized to be registered as a member of the Alberta Land Surveyors' Association.

In witness whereof we have signed this certificate at the city of.....in the Province of Alberta, Dominion of Canada, the.....day of.....19...., and such certificate shall subject to the provisions of this Act entitle him to practise as a land surveyor in and for Alberta.

Candidate
to give
security

36. Each applicant who has obtained the certificate described in the preceding section shall, before being registered as hereinafter provided, with two sufficient sureties to the satisfaction of the council or the secretary thereof, enter into a bond jointly and severally in the sum of \$1,000.00 to His Majesty, his heirs and successors conditioned for the due and faithful performance of the duties of his office. 1913 (1st Session), c. 9, s. 26.

Where bond
to be
deposited

(2) The said bond shall be forwarded to the secretary and shall be deposited by him with the Provincial Secretary when the applicant shall have been registered as hereinafter provided, and shall inure to the benefit of any party sustaining damage by breach of the condition thereof. 1913 (1st Session), c. 9, s. 26.

Oaths of
allegiance
and office

37. Each applicant after having been granted a certificate and before registration shall take and subscribe the oath of allegiance and the following oath before a judge of the Supreme or District Court:

I, A.B., do solemnly swear (*or affirm as the case may be*) that I will faithfully discharge the duties of a land surveyor according to law without favour, affection or partiality. So help me God.

(2) The said oaths of allegiance and office shall be forwarded to the secretary and shall be deposited by him with the Provincial Secretary when the applicant shall have been registered as hereinafter provided. 1913 (1st Session), c. 9, s. 26.

SUSPENSION FOR MISCONDUCT.

Dismissal or
suspension of
members

38. The council may in their discretion suspend or dismiss from the association any land surveyor whom they find guilty of gross negligence or corruption in the execution of the duties of his office but the council shall not take action until a complaint made under oath has been filed with the secretary-treasurer and a copy thereof forwarded to the party accused, nor shall the council suspend or dismiss such land surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered in support of the complaint and on behalf of the surveyor inculpated, and all such evidence shall be taken under oath, which oath the chairman of the said council or person acting as such in his absence or the secretary, is hereby authorized to administer, and all such evidence shall be taken down by a competent stenographer as in the case of evidence taken in the Supreme Court.

(2) Any surveyor so dismissed or suspended may within fourteen days after the order or resolution of dismissal or suspension, or within such further time as the Supreme Court or a judge thereof may order appeal to a judge of the Supreme Court against

such order or resolution by giving seven days' notice to the council and may require the evidence taken to be filed in the office of the clerk of the Supreme Court for the judicial district in which the appellant resides, and the judge may on such appeal make such order or direction and as to costs as the justice of the case may require.

(3) Unless the order or resolution shall be set aside or the judge or council shall otherwise order any surveyor so suspended or dismissed shall not have the right to practise as a surveyor until after the appeal shall have been disposed of except where the time for which he was so suspended shall in the meantime have expired.

(4) The council may in their discretion suspend or dismiss from the association any member and cause his name to be removed from the register if such member has been convicted of any crime involving imprisonment for two years or more.

(5) If the council think fit in any case they may direct the registrar to restore to the register any name or entry erased therefrom, either without fee or on payment of such fee, not exceeding the arrears of fees due the association by such person as the council may from time to time fix, and the registrar shall restore the same accordingly. Restatement of surveyor

TARIFF OF FEES.

39. The following fees shall be paid to the secretary-treasurer Tariff of fees for the use of the association:

1. By every person duly authorized to practise as a land surveyor under the provisions of this Act on application for registration under this Act the sum of \$2.

2. By each member of this association an annual membership fee of \$10.

3. By each articulated pupil at the transmitting to the secretary his indenture or articles, \$20.

4. By each candidate for final examination with his notice thereof, \$2.

5. By each applicant for registration upon the register, \$50; for any subsequent registration upon the register after the first, \$5.

6. By each articulated pupil with each transfer of articles as a fee for registering same, \$2.

7. For every certificate of the registrar of the association, \$2.

REGISTRATION.

40. It shall be the duty of the secretary-treasurer of the association as registrar of the association to make and keep Register a correct register of all persons who shall be entitled to be registered under this Act and to enter opposite the names of all registered persons who shall have died a statement of such fact and from time to time to make the necessary alterations in the addresses of persons registered, and subject to this Act to keep the register in accordance with the by-laws of the association and the orders and regulations of the council.

41. No person who has been registered on the register provided for in the preceding section shall be registered for any year unless he has previously paid to the secretary the fee or fees required by this Act and complied in all respects with the by-laws of the association; provided, however, that any such person having allowed his registration to lapse by default in payment of fees may at any time cause his name to be entered on the current register upon application to the said secretary and upon payment to him of the fees due for the then current year, together with the fee of \$5.00 for subsequent registration prescribed in section 39, subsection (5) of this Act. 1913 (1st Session), c. 9, s. 26.

Registrar
not to admit
improper
entries

(2) No name shall be entered in the register except of persons authorized by this Act to be registered nor unless the registrar is satisfied by proper evidence that the person claiming to be entitled to be registered is so entitled, and any appeal from the decision of the registrar shall be decided by the council of the said association and any entry which shall be proved to the satisfaction of such council to have been fraudulently or incorrectly made shall be erased from or amended in the register by order of such council.

(3) The association may by by-law provide that any surveyor who has been in the actual practice of his profession for a period of thirty-five years or more, and has during the entire period been a duly qualified surveyor, may be exempted from the payment of the annual membership fee to the association.

Penalty for
practising
while
unregistered

42. No person unless registered as above provided shall be entitled to take or use the name or title of Alberta land surveyor either alone or in combination with any other word or words, or any name, title or description implying that he is registered under this Act.

(2) Any person who not being registered under this Act takes or uses such name, title or description as aforesaid shall be liable on summary conviction to a fine not exceeding \$50 for the first offence and not exceeding \$100 for each subsequent offence.

Register of
practising
surveyors to
be published

43. The registrar of the association shall in every year cause to be printed, published and kept for inspection at his office, free of charge, under the direction of the council, a correct register of the names in alphabetical order according to the surnames, with their respective addresses in the form B set forth in schedule to this Act or to the like effect of all persons appearing on the general register on the first day of February in every year and such register shall be called the "surveyors' register" and copy of such register for the time being, purporting to be so printed and published as aforesaid, shall be *prima facie* evidence in all courts and before all justices of the peace and others that the persons therein specified are registered according to the provisions of this Act:

Provided always that in the case of any person whose name does not appear in such copy a certified copy under the hand of the registrar of the association of the entry of the name of such person in the register shall be evidence that such person is registered under the provisions of this Act, and a copy of such register shall forthwith upon being printed as above provided be sent to the registrar of each land titles office in the province.

(2) No plan of survey of land in the Province of Alberta other than Dominion lands the survey of which was made subsequent to the first day of January, 1911, shall be accepted by any registrar of land titles unless it be properly executed by a surveyor whose name appears on the current register referred to in subsection (1) hereof.

FRAUDULENT REGISTRATION.

44. If the registrar shall wilfully make or cause or allow to be made any falsification in any matters relating to the register or wilfully omit to make any entry therein that should be made he shall be liable upon summary conviction thereof to a fine of not less than \$20 and not more than \$50 besides costs, and in default of payment to imprisonment for a period of six months unless the fine and costs shall be sooner paid.

45. Any person who wilfully procures or attempts to procure registration under this Act by making or producing or causing to be produced or made any false or fraudulent representation or declaration either verbally or in writing that he is entitled to such registration shall be liable upon summary conviction thereof to a fine of not less than \$20 and not more than \$50 besides costs, and in default of payment to imprisonment for a period of six months unless the fine and costs be sooner paid and the council may remove the name of the offender from the register.

RECOVERY OF FEES AND PENALTIES.

46. All fees payable to the association under this Act may be recovered as ordinary debts due the association, and all penalties under this Act may be recovered and enforced by summary conviction.

NOTICES AND DOCUMENTS.

47. Subject to the other provisions of this Act all notices and documents required by or for the purposes of this Act to be sent may be sent by post by registered letter and shall be deemed to have been received at the time when the letter containing the same would be delivered in the ordinary course of mail, and in proving such sending it shall be sufficient to prove that the letter containing the notice or document was prepared and properly addressed and mailed.

(2) Such notices and documents may be in writing or in print or partly in writing and partly in print and when sent to the council or other authorities shall be deemed to be properly addressed if addressed to the said council or authorities, or to some officer of the council or authority at the principal place of business of the council or authority and when sent to a person registered under this Act shall be deemed to be properly addressed if addressed to him according to his address registered in the register of the association.

HOW FUNDS TO BE APPLIED.

48. All moneys arising from fees payable on registration, or from the annual fees, or from the sale of copies of the register

or otherwise shall be paid to the registrar of the association to be applied in accordance with such regulations as may be made by the council for defraying the expenses of registration and other expenses of the execution of this Act.

Investment
of securities

(2) The council shall have power to invest any sum not expended as above in such securities as shall be approved of by the Government of the Dominion of Canada or of the Province of Alberta in the name of The Alberta Land Surveyors' Association, and any income derived from any such invested sums shall be added to and considered as part of the ordinary income of the association. 1913 (1st Session), c. 9, s. 26.

Investment
in certain
buildings

(3) The association may also use surplus funds or invested capital for the rental or purchase of land or premises, or for the building of premises to serve as offices, lecture rooms, libraries, or for any other public purpose connected with land surveying.

Accounts to
be kept and
audited

49. The secretary-treasurer and registrar of the association shall enter in books to be kept for that purpose a true account of all sums of money by him received and paid under this Act and such account shall be audited by the auditors and submitted to the council and association at such time or times as they may require.

Surveys

50. All surveys made in this province by any Alberta land surveyor shall be made in accordance with *The Dominion Lands Survey Act* or such provincial Acts as may affect the same.

Acting as
professional
agent of
unqualified
person

51. Any Alberta land surveyor who knowingly and wilfully acts as a professional agent of any person not duly qualified to practise as a land surveyor or uses or suffers his name to be used in any such agency or does any act or thing or affords any means or facility tending to enable such unqualified person to practise in any respect as an Alberta land surveyor or which is calculated to, or does, or may mislead the public or any person to believe that such unqualified person is authorized to practise as a land surveyor, or who shall falsely certify as to the service under articles of a pupil when such service shall not have been actually and *bona fide* performed in the manner intended and required by this Act, shall be liable under section 38 of this Act to a charge of misconduct in the execution of the duties of his office and to discipline in addition to any other liability which he may incur by any such misconduct. 1913 (1st Session), c. 9, s. 26.

52. In order to provide for the registration of land surveyors under this Act, and the acceptance of plans executed by registered land surveyors by registrars of land titles offices in the province as hereinbefore provided prior to the appointment of a secretary-treasurer (or registrar) of the association, the following provisions shall have effect:

1. There shall be a provisional council of management composed of the following persons, namely:

John Stewart, D.L.S.	Calgary.
John M. Empey, D.L.S.	Calgary.
Benjamin F. Mitchell, D.L.S.	Edmonton.
R. W. Cautley, D.L.S.	Edmonton.
L. C. Charlesworth, D.L.S.	Edmonton.

2. Such provisional council of management shall, until the first election of the council of management of the association under this Act, but no longer, have the following powers and perform the following duties:

- (a) They shall receive and pass upon the applications for registration of such persons as are entitled to be registered under the provisions hereof without being required to submit to any examination;
- (b) They shall receive and hold the fees paid by such persons as so apply to be registered, and account for the same to the secretary-treasurer (or registrar) of the association when appointed;
- (c) They shall forthwith open and keep a correct register of such persons as successfully apply to be so registered; and deliver the same to the secretary-treasurer (or registrar) of the association when appointed; and such register shall be kept in the same manner and shall be and have the same force and effect as the register required to be kept by the registrar of the association under the provisions of section 43 of this Act;
- (d) They shall on or before the first day of January, 1911, provide the registrar of each land titles office in the province with a printed copy of such register, and such register shall until the first day of February, 1912, be of and have the same force and effect as the "Surveyors' Register" referred to in said section 43;
- (e) Changes in and additions to the said register, and to and in the "Surveyors' Register" referred to in the said section 43, and to and in the printed copies thereof in the hands of the registrars of land titles offices in the province may be made by the said provisional council of management of the association, or any one of their number duly authorized by them in that behalf, until the first election of the council of management of the association, and after such first election by the said council, from time to time, but no person's name shall be added to the said register or the said "Surveyors' Register" or to the printed copies thereof in the hands of the registrars of land titles offices in the province unless he is entitled to be registered under the provisions of this Act, nor shall the name of any person be struck off the said register or the said "Surveyors' Register" or the said printed copies thereof, unless he has been suspended or dismissed for misconduct under the provisions of this Act, or unless he has been so registered by fraud or through mistake;
- (f) They shall, as soon as practicable after the passing of this Act, notify all persons who by reasonable inquiry they find to be persons who may be entitled to be registered as herein provided, without an examination of their powers and duties as herein set out, and they shall be entitled to call upon such persons to furnish them with such evidence of their claim to be so registered as shall reasonably be required to enable them to pass upon the applications respectively for registration hereunder;

- (g) They shall be entitled to such remuneration and such allowances for expenses for their services as the first council of management of the association shall see fit to make. 1910 (2nd Session), c. 21, s. 4.

53. Nothing in this Act shall apply to restoration surveys or re-surveys of land in the province made by Dominion land surveyors under the authority of any Department of the Government of Canada. 1910 (2nd Session), c. 21, s. 4.

SCHEDULE.

FORM A.

FORM OF VOTING PAPER.

Alberta Land Surveyors' Association Election Council of Management.

I, of the
 Alberta land surveyor, do hereby declare:
 1. That the signature hereto is my proper handwriting.
 2. That I vote for the following persons as the Council of Management of the Corporation for the ensuing year:

	Name	Residence	Position	Mark with a X those you wish to vote for
Nominated..	A.B. ....	.....	For President.....	
	C.D. ....	.....	For President.....	
	E.F. ....	.....	For Vice-President.	
	G.H. ....	.....	For Vice-President.	
	I.K. ....	.....	ForSec'y-Treasurer	
	L.M. ....	.....	ForSec'y-Treasurer	
	10 others .....	.....	For Members of Council	

3. That I have signed no other voting paper at this election.
 4. That this voting paper was marked and signed by me on the day of the date thereof.
 Witness my hand this day of A.D. 19

FORM B:

ALBERTA LAND SURVEYORS.

Copy of the list of registered members of the Alberta Land Surveyors' Association who are authorized to practise in the Province of Alberta on this day of 19.. under the provisions of *The Alberta Land Surveyors' Act*, 1910.

Name	Address	Date of Commission

Certified correct and dated this.....day of
.....191.....

Secretary-Treasurer and Registrar of the Association.

Office: Edmonton.

FORM C.

ARTICLES OF PUPIL TO LAND SURVEYOR.

These articles of agreement made the.....day of....., one thousand nine hundred and....., between *A.B.*, of....., Alberta land surveyor, of the one part, and *C.D.*, of....., and *E.F.*, son of the said *C.D.*, of the other part, witness:

That the said *E.F.*, of his own free will, and by and with the consent and approbation of the said *C.D.*, doth by these presents place and bind himself pupil to the said *A.B.*, to serve him such from the day of the date hereof, for and during and until the full end and term of three years from hence ensuing, and fully to be completed and ended.

And the said *C.D.*, doth hereby for himself, his heirs, executors and administrators, covenant with the said *A.B.*, his executors, administrators and assigns, that the said *E.F.*, shall well and faithfully, and diligently, according to the best and utmost of his power, serve the said *A.B.*, as his pupil in the practice or profession of a land surveyor which he, the said *A.B.*, now followeth, and shall abide and continue with him from the day of the date hereof for and during and unto the full end of the said term of three years.

And that he, the said *E.F.*, shall not at any time during such term cancel, obliterate, injure, spoil, destroy, waste, embezzle, spend or make away with any of the books, papers, writings, documents, maps, plans, drawings, field-notes, moneys, chattels or other property of the said *A.B.*, his executors, administrators or assigns, or any of his employers; and that in case the said *E.F.* shall act contrary to the last-mentioned covenant, or if the said *A.B.*, his executors, administrators or assigns shall sustain or suffer any loss or damage by the misbehaviour, neglect or improper conduct of the said *E.F.* the said *C.D.*, his heirs, executors or administrators, will indemnify the said *A.B.*, his heirs, executors, administrators or assigns, and make good and reimburse him or them the amount of value thereof.

And further, that the said *E.F.* shall at all times keep the secrets of the said *A.B.* in all matters relating to the said business and profession, and will at all times during the said term be just, true and faithful to the said *A.B.* in all matters and things and from time to time pay all moneys which he shall receive of or belonging to or by order of the said *A.B.* into his hands, and make and give true and fair accounts of all his acts and doings whatsoever in the said business and profession, without fraud or delay, when and so often as he shall thereto be required; and will readily and cheerfully obey and execute his lawful and reasonable commands, and shall not depart or absent himself from the service or employ of the said *A.B.* at any time during the said term without his consent first had and obtained, and shall from time to time, and at all times during the said term, conduct himself with all due diligence and with honesty and sobriety.

And the said *E.F.* doth hereby for himself covenant with the said *A.B.*, his executors, administrators and assigns, that he, the said *E.F.*, will truly, honestly and diligently serve the said *A.B.* at all times for and during the said term as a faithful pupil ought to do in all things whatsoever in the manner above specified.

In the consideration whereof and ofdollars of lawful money by the said *C.D.* to the said *A.B.*, paid at or before the sealing and delivery of these presents (the receipt of which is hereby acknowledged), the said *A.B.* for himself, his heirs, executors and administrators, doth covenant with the said *C.D.*, his heirs, executors and administrators that he, the said *A.B.*, will accept and take the said *E.F.* as his pupil, and that he, the said *A.B.*, will, by the best ways and means he may or can, and to the utmost of his skill and knowledge, teach and instruct, or cause to be taught and instructed, the said *E.F.*, in the course of study prescribed by the Act, in practical surveying operations, and in the use of instruments, and generally in the art, practice and profession of a land surveyor, which he, the said *A.B.*, now doth and shall at all times during the said term, use and practise, and also will provide the said *E.F.* with all the necessary and reasonable expenses incurred in transacting or performing the business of the said *A.B.*; and also will at the expiration of the said term use his best means and endeavours, at the request, cost and charge of the said *C.D.* and *E.F.*, or either of them, to cause to procure him, the said *E.F.*, to be examined before the board of examiners: Provided the said *E.F.* shall have well, faithfully and diligently served his said pupilage.

And for the said performance of all and every the covenants and agreements aforesaid according to the true intent and meaning thereof, each of them, the said *A.B.* and *C.D.*, doth bind himself, his heirs, executors and administrators and assigns in the penal sum of five hundred dollars firmly by these presents.

In witness whereof, the parties aforesaid have hereunto set their hands and seals the day and year above written.

Signed, sealed and delivered in the presence of

G.H.
J.K.

A.B. (Seal).
C.D. (Seal).
E.F. (Seal).

FORM D.

DISCHARGE FROM ARTICLES AS PUPIL OF LAND SURVEYOR.

This is to certify.....has regularly and faithfully served.....years under the articles of apprenticeship hereunto attached, including.....months of actual practice in the field. He has shown*and is now honourably discharged from the aforesaid articles.
Dated this.....day of.....19....

(Signed).

(*Here insert testimony as to the pupil's character for sobriety and probity.)

FORM E.

PUPIL'S AFFIDAVIT OF SERVICE.

I,....., of.....in the Province of Alberta, survey student, make oath and say:

(1) That I have regularly and faithfully served..... years under articles of apprenticeship dated.....19....

(2) That I have been engaged with him in actual surveying operations in the field on the following surveys and between the dates set down opposite to them, that is to say:

- (a) On the survey of.....from the day of.....19....
to the day of.....19....
- (b) On the survey of.....from the day of.....19....
to the day of.....19....
- (c) On the survey of.....from the day of.....19....
to the day of.....19....
- (d) On the survey of.....from the day of.....19....
to the day of.....19....
- (e) On the survey of.....from the day of.....19....
to the day of.....19....

So help me God.

Sworn before me at.....
in the.....
on this..day of..19..}

.....
A Commissioner or J. P.

NOTE.—Chapters 3 to 21 inclusive are Private Acts.

1910
(SECOND SESSION)

CHAPTER 1.

An Act for Granting to His Majesty Certain Sums of Money for the Civil Service for the Financial Year Ending Thirty-first Day of December, 1910, and for the Financial Year Ending the Thirty-first Day of December, 1911.

(Assented to December 16, 1910.)

Most Gracious Sovereign:

WHEREAS it appears by Message from His Honour George Hedley Vicars Bulyea, the Lieutenant Governor of the Province of Alberta, and the Estimates accompanying the said Message, that the sums hereinafter mentioned are required to defray certain expenses of the Civil Service of this province not otherwise provided for during the financial year ending the Thirty-first day of December, one thousand nine hundred and ten, and during the financial year ending the Thirty-first day of December, one thousand nine hundred and eleven and for other purposes relating thereto: May it therefore please your Majesty that it may be enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, as follows:

1. This Act may be cited as "*The Appropriation Act, 1910 and 1911.*"

2. From and out of the general revenue fund there may be paid and applied a sum not exceeding in the whole five million nine hundred and sixty-five thousand nine hundred and thirty-two dollars and twenty cents (\$5,965,932.20) towards defraying the several charges and expenses of the Civil Service of the province for the financial year ending the thirty-first day of December, in the year of our Lord one thousand nine hundred and ten, not otherwise provided for and set forth in schedule A to this Act, and also for the other purposes in the said schedule mentioned; and a sum not exceeding in the whole five million nine hundred and two thousand no hundred and twenty-eight dollars and eighty cents (\$5,902,028.80) towards defraying the several charges and expenses of the Civil Service of the province for the financial year ending the thirty-first day of December, in the year of our Lord one thousand nine hundred and eleven, not otherwise provided for and set forth in schedule B to this Act, and also for the other purposes in the said schedule mentioned.

3. The due application of all moneys expended under this Act shall be accounted for.

SCHEDULE A.

I.

CIVIL GOVERNMENT—

Lieutenant Governor's Office.....	\$ 2,700.00
Executive Council.....	47,000.00
Attorney General's Department.....	19,506.00
Provincial Secretary's Department.....	5,500.00
Treasury Department.....	12,100.00
Auditor's Office.....	11,460.00
Public Works Department.....	60,000.00
Education Department.....	20,000.00
Agriculture Department.....	24,000.00

\$202,266.00

II.

LEGISLATION..... \$106,000.00

III.

ADMINISTRATION OF JUSTICE..... \$616,175.00

IV.

PUBLIC WORKS—

Chargeable to Income.....	\$705,113.99
Chargeable to Capital.....	\$1,149,493.49

V.

EDUCATION..... \$583,553.43

VI.

AGRICULTURE AND STATISTICS..... \$384,591.02

VII.

HOSPITALS, CHARITIES AND PUBLIC HEALTH..... \$84,700.00

VIII.

MISCELLANEOUS..... \$1,134,039.27

TELEPHONES—

Chargeable to Income.....	\$155,575.57
Chargeable to Capital.....	\$844,424.43

\$3,972,014.28 \$1,993,917.92

SCHEDULE B.

I.

CIVIL GOVERNMENT—

Lieutenant Governor's Office.....	\$ 2,700.00
Executive Council.....	44,300.00
Attorney General's Department.....	29,040.00
Provincial Secretary's Department.....	5,240.00
Treasury Department.....	15,700.00
Auditor's Office.....	12,810.00
Public Works Department.....	61,620.00
Education Department.....	20,060.00
Agriculture Department.....	25,760.00

\$217,230.00

II.

LEGISLATION..... \$57,990.00

III.

ADMINISTRATION OF JUSTICE..... \$425,100.00

IV.

PUBLIC WORKS—

Chargeable to Income.....	\$513,000.00
Chargeable to Capital.....	\$1,616,333.00

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V.		
EDUCATION.....	\$605,230.00	
VI.		
AGRICULTURE AND STATISTICS—		
Chargeable to Income.....	\$411,680.00	
Chargeable to Capital.....		\$125,000.00
VII.		
HOSPITALS, CHARITIES AND PUBLIC HEALTH....	\$97,000.00	
VIII.		
MISCELLANEOUS.....	\$537,750.80	
IX.		
TELEPHONES—		
Chargeable to income	\$408,090.00	
Chargeable to capital		\$742,625.00
X.		
PRISONERS AND INSANE.....	\$145,000.00	
	<u>\$3,418,070.80</u>	<u>\$2,483,958.00</u>

1910 (SECOND SESSION)

CHAPTER 2.

An Act to amend the Statute Law.

(Consolidated in various Acts).

1910

(SECOND SESSION)

CHAPTER 3.

An Act respecting Witnesses and Evidence.

(Assented to December 16, 1910.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

Short title 1. This Act may be cited as "*The Alberta Evidence Act.*"

INTERPRETATION.

Interpretation 2. In this Act—

Court 1. "Court" shall include a judge, arbitrator, umpire, commissioner, police magistrate, justice of the peace or other officer or person having by law or by the consent of parties authority to hear, receive and examine evidence;

Action 2. "Action" shall include an issue, matter, arbitration, reference, investigation, inquiry, a prosecution for an offence committed against a Statute of Alberta or an Ordinance in force in Alberta, or against a by-law or regulation made under the authority of any such Statute or Ordinance and any other proceeding authorized or permitted to be tried, heard, had or taken by or before a court under the law of Alberta.

APPLICATION OF ACT.

Application of Act 3. This Act shall extend and apply to the evidence offered or taken orally or by interrogatories or affidavits or by the production of documents or things or otherwise by or before a court in an action.

COMPETENCY OF WITNESSES.

Witnesses not to be incapacitated by crime or interest 4. No person offered as a witness in an action shall be excluded by reason of any alleged incapacity from crime or interest from giving evidence.

Such persons admitted to give evidence 5. Every person offered as a witness shall be admitted to give evidence notwithstanding that he has an interest in the matter in question or in the event of the action, and notwithstanding that he has been previously convicted of a crime or offence.

Evidence of parties 6. The parties to an action, and the persons on whose behalf the same is brought, instituted, opposed or defended shall, except as hereinafter otherwise provided, be competent and compellable to give evidence on behalf of themselves or of any of the parties; and the husbands and wives of such parties and persons shall,

except as hereinafter otherwise provided, be competent and compellable to give evidence on behalf of any of the parties.

Evidence of husband and wife

7. A witness shall not be excused from answering any question upon the ground that the answer may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person or to a prosecution under any Act of or Ordinance in force in Alberta.

Witnesses not excused from answering questions tending to criminate

(2) If with respect to any question a witness objects to answer upon any of the grounds mentioned in subsection 1, and if, but for this section or any Act of the Parliament of Canada, he would have been excused from answering such question, then, although the witness is by reason of this section or by reason of any Act of the Parliament of Canada compelled to answer, the answer so given shall not be used or receivable in evidence against him in any civil proceeding or in any proceeding under any Act of or Ordinance in force in Alberta.

Answer not to be used in evidence against him

8. The parties to an action or proceeding instituted in consequence of adultery, and their husbands and wives shall be competent but not compellable to give evidence, but the husband or wife, if competent only under this Act, shall not be asked or bound to answer any question tending to show that he or she has been guilty of adultery, unless he or she shall have already given evidence in the same action or proceeding in disproof of his or her alleged adultery.

Evidence in proceedings in consequence of adultery

9. A husband shall not be compellable to disclose any communication made to him by his wife during the marriage, nor shall a wife be compellable to disclose any communication made to her by her husband during the marriage.

Communications made during marriage

Expert Evidence.

10. Where it is intended by any party to examine as witnesses persons entitled according to the law or practice to give opinion evidence not more than three of such witnesses may be called upon either side.

Limit of number of expert witnesses in action, etc.

Corroborative Evidence.

11. The plaintiff in an action for breach of promise of marriage shall not recover unless his or her testimony is corroborated by some other material evidence in support of the promise.

Evidence in actions for breach of promise

12. In an action by or against the heirs, next of kin, executors, administrators, or assigns of a deceased person, an opposite or interested party shall not obtain a verdict, judgment or decision, on his own evidence, in respect of any matter occurring before the death of the deceased person, unless such evidence is corroborated by some other material evidence.

In actions by or against representatives of a deceased person, the evidence of the opposite party must be corroborated

13. In an action by or against a lunatic so found or an inmate of a lunatic asylum, or a person who from unsoundness of mind is incapable of giving evidence, an opposite or interested party shall not obtain a verdict, judgment or decision on his own evidence unless such evidence is corroborated by some other material evidence.

In actions by or against lunatics, etc. evidence of opposite party to be corroborated

Oaths and Affirmations.

Deponent
may take
oath declared
to be binding

14. Where an oath may lawfully be administered to any person as a witness or as a deponent in an action or on appointment to any office or employment or on any occasion whatever, such person shall be bound by the oath administered, if the same shall have been administered in such form and with such ceremonies as such person may declare to be binding.

(2) Where an oath has been duly administered and taken, the fact that the person to whom the same was administered had, at the time of taking such oath, no religious belief shall not for any purpose affect the validity of such oath.

14a. An oath may be administered in the form and manner following: "The person taking the oath shall hold the Bible or New Testament, or in the case of a Jew the Old Testament, in his uplifted hand and the officer administering the oath shall say: 'You swear that the evidence you give as touching the matters in question in this action or matter shall be the truth, the whole truth and nothing but the truth. So help me God,' to which the person being sworn shall say 'I do' or give his assent thereto in a manner satisfactory to the court or to the officer administering the oath. As used in this section 'officer' shall mean and include every person duly authorized to administer oaths." 1913 (1st Session), c. 9, s. 27.

Certain
persons may
make
affirmations
or declarations
instead of
oaths

15. If a person called as a witness or required or desiring to give evidence or to make an affidavit or deposition in an action or on an occasion whereon or touching a matter respecting which an oath is required or permitted, objects to take an oath or is objected to as incompetent to take an oath and if the presiding judge or the person qualified to take affidavits or depositions is satisfied that such person objects to be sworn from conscientious scruples or on the ground of his religious belief or on the ground that the taking of an oath would have no binding effect on his conscience, such person may make an affirmation and declaration in lieu of taking an oath and such affirmation and declaration shall be of the same force and effect as if such person had taken an oath in the usual form.

Certificate
that deponent
entitled to
affirm

(2) Where the evidence is in the form of an affidavit or written deposition the person before whom the same is taken shall certify that the deponent satisfied him that he was a person entitled to affirm.

Scotch oath

16. If any person to whom an oath is to be administered desires to swear with uplifted hand, in the form and manner in which an oath is usually administered in Scotland, he shall be permitted so to do, and the oath shall be administered to him in such form and manner without further question.

Evidence of
child

17. In any legal proceeding where a child of tender years is offered as a witness, and such child does not, in the opinion of the judge, justice or other presiding officer, understand the nature of an oath, the evidence of such child may be received, though not given upon oath if, in the opinion of the judge, justice or other presiding officer, as the case may be, such child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth.

(2) No case shall be decided upon such evidence alone, and such evidence must be corroborated by some other material evidence. Must be corroborated

18. A witness who is unable to speak may give his evidence in any other manner in which he can make it intelligible. Evidence of mute

Attendance of Witnesses.

19. A witness served in due time with a subpoena issued out of any court in Alberta, and paid his proper witness fees and conduct money, who shall make default in obeying such subpoena, without any lawful and reasonable impediment, shall in addition to any penalty he may incur as for a contempt of court be liable to an action on the part of the person by whom or on whose behalf he shall have been subpoenaed, for any damage which such person may sustain or be put to by reason of such default. Witness disobeying subpoena liable to action

Examination of Witnesses.

20. A witness may be cross-examined as to previous statements made by him in writing, or reduced into writing, relative to the matter in question, without the writing being shown to him; but if it is intended to contradict him by the writing, his attention shall, before such contradictory proof is given, be called to those parts of the writing which are to be used for the purpose of so contradicting him; and the judge or other person presiding at any time during the trial or proceeding may require the production of the writing for his inspection, and may thereupon make such use of it for the purposes of the trial or proceeding as he may think fit. Proof of contradictory written statements

21. If a witness upon cross-examination as to a former statement made by him relative to the matter in question, and inconsistent with his present testimony, does not distinctly admit that he did make such statement, proof may be given that he did in fact make it; but before such proof is given the circumstances of the supposed statement, sufficient to designate the particular occasion, shall be mentioned to the witness, and he shall be asked whether or not he did make such statement. Proof of contradictory oral statements

22. A witness may be asked whether he has been convicted of any crime, and upon being so asked, if he either denies the fact or refuses to answer, the conviction may be proved; and a certificate containing the substance and effect only (omitting the formal part) of the charge and of the conviction, purporting to be signed by the officer having the custody of the records of the court at which the offender was convicted, or by the deputy of the officer, shall, upon proof of the identity of the witness as such convict, be sufficient evidence of the conviction, without proof of the signature or of the official character of the person appearing to have signed the certificate. Proof of previous conviction of a witness may be given if he denies it, etc. Certificate of conviction

(2) For such certificate a fee of \$1 and no more may be demanded or taken. Fee for

23. A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character but he may contradict him by other evidence, or if the witness in the opinion of the court is not credible, he may be impeached by evidence of his own witness. How far a party may discredit his own witness

the judge or other person presiding proves adverse such party may by leave of the judge or other person presiding prove that the witness made at some other time a statement inconsistent with his present testimony, but before such last mentioned proof is given the circumstances of the proposed statement sufficient to designate the particular occasion shall be mentioned to the witness and he shall be asked whether or not he did make such statement.

STATUTES AND PUBLIC DOCUMENTS.

Statutes, Proclamations, Orders in Council, Letters Patent, etc.

Evidence of
letters patent

24. Letters patent under the Great Seal of the United Kingdom of Great Britain and Ireland, or of any other of His Majesty's dominions, may be proved by the production of an exemplification thereof, or of the enrolment thereof, under the Great Seal under which the same may have issued, and such exemplification shall have the like force and effect for all purposes as the letters patent thereby exemplified, as well against His Majesty as against all other persons whomsoever.

Copies of
Canadian and
Provincial
Statutes as
evidence

25. Copies of Statutes, official gazettes, Ordinances, regulations, proclamations, journals, orders, appointments to office, notices thereof and other public documents purporting to be printed by or under the authority of the Parliament of Great Britain and Ireland, or of the Imperial Government or by or under the authority of the Government or of any legislative body of any dominion, commonwealth, state, province, colony, territory or possession within the King's dominions, shall be admitted in evidence to prove the contents thereof.

Proclamations,
orders in
council, etc.,
of Government
of Canada
and of
Provincial
Governments
how proved

26. *Prima facie* evidence of a proclamation, order, regulation or appointment to office made or issued—

- (a) By the Governor General or the Governor General in Council, or other chief executive officer or administrator of the Government of Canada; or
 - (b) By or under the authority of any Minister or head of any department of the Government of Canada or of provincial or territorial Government in Canada; or
 - (c) By a Lieutenant Governor or Lieutenant Governor in Council or other chief executive officer or administrator of Alberta or of any other province or territory in Canada;
- may be given by the production of—
- (a) A copy of the *Canada Gazette* or of the official gazette for any province or territory purporting to contain a notice of such proclamation, order, regulation or appointment; or
 - (b) A copy of such proclamation, order, regulation or appointment purporting to be printed by the King's Printer or by the Government Printer for the province or territory; or
 - (c) A copy of or extract from such proclamation, order, regulation or appointment purporting to be certified to be a true copy by such Minister or head of a department or by the clerk or assistant or acting clerk

of the Executive Council or by the head of any department of the Government of Canada or of a provincial or territorial Government or by his deputy or acting deputy.

27. An order in writing purporting to be signed by the Secretary of State of Canada, and to be written by command of the Governor General, shall be received in evidence as the order of the Governor General; and an order in writing purporting to be signed by the Provincial Secretary and to be written by command of the Lieutenant Governor shall be received in evidence as the order of the Lieutenant Governor.

Orders signed
by Secretary
of State or
Provincial
Secretary

Official Documents.

28. Copies of proclamations and of official and other documents, notices and advertisements printed in the *Canada Gazette* or in *The Alberta Gazette*, or in the official gazette of any province or territory in Canada shall be *prima facie* evidence of the originals, and of the contents thereof.

Notices in
Gazette

29. Where the original record could be received in evidence a copy of any official or public document in Alberta purporting to be certified under the hand of the proper officer, or the person in whose custody such official or public document is placed, or of a document, by-law, rule, regulation or proceeding, or of any entry in any register or other book of any corporation, created by charter or Statute of Alberta, or charter or Ordinance of the North-West Territories carrying on business in Alberta, purporting to be certified under the seal of the corporation, and the hand of the presiding officer or secretary thereof, shall be receivable in evidence without proof of the seal of the corporation, or of the signature or of the official character of the person or persons appearing to have signed the same, and without further proof thereof.

How public
or official
documents
proved

By-laws, etc.,
of corporations

30. Where a document is in the official possession, custody or power of a member of the Executive Council, or of the head of a department of the public service of Alberta, if the deputy head or other officer of the department has the document in his personal possession, and is called as a witness, he shall be entitled, acting therein by the direction and on behalf of such member of the Executive Council or head of the department, to object to produce the document on the ground that it is privileged; and such objection may be taken by him in the same manner, and shall have the same effect, as if such member of the Executive Council or head of the department were personally present and made the objection.

Privilege in
case of official
documents

31. A copy of an entry in any book of account kept in any department of the Government of Canada or of Alberta shall be received as *prima facie* evidence of such entry, and of the matters, transactions and accounts therein recorded, if it is proved by the oath or affidavit of an officer of such department that such book was, at the time of the making of the entry, one of the ordinary books kept in such department, that the entry was apparently, and as the deponent believes, made in the usual

Entries in
departmental
books to be
prima facie
evidence

and ordinary course of business of such department, and that such copy is a true copy thereof.

Copies of public books or documents admissible in evidence

32. Where a book or other document is of so public a nature as to be admissible in evidence on its mere production from the proper custody, a copy thereof or extract therefrom shall be admissible in evidence if it is proved that it is an examined copy or extract, or that it purports to be signed and certified as a true copy or extract by the officer to whose custody the original has been entrusted.

Copies to be delivered if required

(2) Such officer shall furnish the certified copy or extract to any person applying for the same at a reasonable time, upon his paying therefor a sum not exceeding ten cents for every folio of one hundred words.

Signatures of Judges, etc.

Judicial notice to be taken of signatures of judges, etc.

33. All courts, judges, justices, masters, clerks of courts, commissioners and other officers acting judicially, shall take judicial notice of the signature of any of the judges of any court of Canada, of Alberta, and of every other province and territory in Canada, where such signature is appended or attached, to any decree, order, certificate, affidavit, or judicial or official document.

(2) For the purposes of this section the members of the Board of Railway Commissioners of Canada shall be deemed judges.

Proof of handwriting, when not required

34. No proof shall be required of the handwriting or official position of any person certifying to the truth of any copy of or extract from any proclamation, order, regulation or appointment; and any such copy or extract may be in print or in writing, or partly in print and partly in writing.

Foreign Judgments.

Foreign judgments, etc., how proved

35. A judgment, decree or other judicial proceeding recovered, made, had or taken in the Supreme Court of Judicature or in any Court of Record in England or Ireland or in any of the Superior Courts of Law, Equity or Bankruptcy in Scotland, or in any Court of Record in Canada or in any British Colony or possession, or in any Court of Record of the United States, or of or in any State of the United States of America, may be proved by an exemplification of the same under the seal of the court, without any proof of the authenticity of such seal or other proof whatever, in the same manner as a judgment decree, or other judicial proceeding of the Supreme Court of Alberta may be proven by an exemplification thereof.

Notarial Documents.

Copies of notarial acts in Quebec admissible

36. A copy of a notarial act or instrument in writing made in Quebec, before a notary and filed, enrolled or enregistered by such notary, certified by a notary or prothonotary to be a true copy of the original thereby certified to be in his possession as such notary or prothonotary, shall be receivable in evidence in the place and stead of the original, and shall have the same force and effect as the original would have if produced and proved.

37. The proof by such certified copy may be rebutted or set aside by proof that there is no such original, or that the copy is not a true copy of the original in some material particular, or that the original is not an instrument of such a nature as may by the law of Quebec be taken before a notary, or be filed, enrolled or enregistered by a notary.

Protest of Bills and Notes.

38. A protest of a bill of exchange or promissory note purporting to be under the hand of a notary public wherever made shall be received as *prima facie* evidence of the allegations and facts therein stated.

How impeached
Production of protests to be *prima facie* evidence that protest was made

39. Any note, memorandum or certificate purporting to be made by a notary public in Canada, in his own handwriting or to be signed by him at the foot of or embodied in any protest, or in a regular register of official acts purporting to be kept by him shall be *prima facie* evidence of the fact of notice of non-acceptance or nonpayment of a bill of exchange or promissory note having been sent or delivered, at the time and in the manner stated in such note, certificate or memorandum.

Certain certificates of notaries to be *prima facie* evidence

Affidavits, etc., made out of Alberta.

40. Oaths, affidavits, affirmations or declarations administered, sworn, affirmed or made out of Alberta—

Affidavits to be used in Alberta may be made before certain functionaries in other countries

- (a) In England or Ireland before a commissioner authorized to administer oaths in the Supreme Court of Judicature of England or Ireland;
- (b) In England or Ireland before a judge of the Supreme Court of Judicature of England or Ireland;
- (c) In Scotland before a judge of the Court of Session or the Judiciary Court of Scotland;
- (d) Before a judge of any of the County Courts of Great Britain or Ireland, within his county;
- (e) In Great Britain or Ireland, or in any Colony of His Majesty, or in any foreign country, before the mayor or chief magistrate of any city, borough or town corporate, certified under the common seal of such city, borough or town corporate;
- (f) In any colony belonging to the Crown of Great Britain, or any dependency thereof, or in any foreign country before a judge of any Court of Record or of supreme jurisdiction;
- (g) In the British possessions in India, before any magistrate or collector certified to have been such under the hand of the Governor of such possession;
- (h) In Quebec, before a judge or prothonotary of the Superior Court or clerk of the Circuit Court;
- (i) In any foreign place, before any consul, vice-consul, or consular agent of His Majesty exercising his functions;
- (j) Before a notary public and certified under his hand and official seal; or
- (k) Before a commissioner authorized by the laws of Alberta to take such affidavits;

shall be as valid and effectual and shall be of like force and effect

to all intents and purposes as if such oath, affidavit, affirmation or declaration had been administered, sworn, affirmed or made in Alberta before a commissioner for taking affidavits therein, or other competent authority of the like nature.

Seal and
signature
need not be
proved

41. Any document purporting to have affixed, impressed or subscribed thereon or thereto the signature of such judge or commissioner, or the signature and official seal of such notary public, or prothonotary, or the seal of the corporation and the signature of such mayor or chief magistrate or governor as aforesaid, or the seal and signature of such consul, vice-consul or consular agent in testimony of such oath, affidavit, affirmation or declaration having been administered, sworn, affirmed or made by or before him, or for any other purpose authorized by this Act, shall be admitted in evidence without proof of such signature, or seal and signature, being the signature or the seal and signature of the person whose signature or seal and signature the same purport to be, or of the official character of such person.

Formal Defects in Affidavits.

Informal
headings, etc.,
not to
invalidate

6 Edw. VII,
c. 14

42. No informality in the heading, or other formal requisites to any affidavit, declaration or affirmation made or taken before a commissioner authorized to take affidavits under *The Act respecting Commissioners to Administer Oaths*, or under this Act, shall be any objection to its reception in evidence if the court or judge before whom it is tendered thinks proper to receive it.

Depositions.

Copies of
depositions
certified by
person taking
the same
admissible in
evidence

43. Where an examination or deposition of a party or witness has been taken before a judge or other officer or person appointed to take the same, copies of the examination or deposition certified under the hand of the judge, officer or other person taking the same, shall, without proof of the signature, be received and read in evidence, saving all just exceptions.

Proof of Wills.

In actions
concerning
real estate,
probate, etc.,
to be *prima
facie* evidence
of will, etc.,
after certain
notice, unless
its validity is
put in issue

44. In order to establish a devise or other testamentary disposition of or affecting real estate, probate of the will or letters of administration with the will annexed containing such devise or disposition or a copy thereof under the seal of the District Court granting the same, or under the seal of the Supreme Court of Alberta, or the Supreme Court of the North-West Territories, where the probate or letters of administration were granted by any of these courts shall be *prima facie* evidence of the will and of its validity and contents.

Proof in the
case of will
of real estate
filed in courts
in other
British
possessions

45. Where a person dies in any of His Majesty's possessions out of Alberta having made a will sufficient to pass real estate in Alberta, purporting to devise, charge or effect real estate in Alberta, the party desiring to establish any such disposition, after giving one month's notice to the opposite party to the proceeding of his intention so to do, may produce and file the probate of the will or letters of administration with the will

annexed or a certified copy thereof under the seal of the court which granted the same with a certificate of the judge, registrar, or clerk of such court, that the original will is filed and remains in the court and purports to have been executed before two witnesses, and such probate or letters of administration or certified copy with such certificates shall, unless the court otherwise orders, be *prima facie* evidence of the will and of its validity and contents.

46. The production of the certificate, in the last preceding section mentioned, shall be sufficient *prima facie* evidence of the facts therein stated, and of the authority of the judge, registrar or clerk, without proof of his appointment, authority or signature.

Certificate
to be *prima
facie* evidence

Copies of Registered Instruments.

47. The word "instrument" in the next succeeding two sections shall have the meaning assigned to that word in section 2 of *The Land Titles Act*.

Meaning of
instrument,
6 Edw. VII,
c. 24

48. A copy of an instrument certified under the hand and seal of office of the registrar or deputy registrar under *The Land Titles Act*, in whose office the same is deposited, filed, kept or registered to be a true copy shall be *prima facie* evidence of the original, except in the cases provided for in section 49.

Registered
instrument
prima facie
evidence

(2) An abstract of title or a general certificate under seal, furnished by any registrar in the Province of Alberta shall be *prima facie* evidence of the contents thereof.

49. Where a public officer produces upon a subpoena an original document it shall not be deposited in court unless otherwise ordered, but if the document or a copy is needed for subsequent reference or use a copy thereof or of so much thereof as may be deemed necessary, certified under the hand of the officer producing the document, shall be filed as an exhibit in the place of the original; and the officer shall be entitled to receive in addition to his ordinary fees the fees for any certified copy, to be paid to him before it is delivered or filed.

Copies of
official
documents
to be filed
in lieu of
originals

(2) Where an order is made that the original be retained, the order shall be delivered to the public officer, and the exhibit shall be retained in court and filed.

Original to
be retained
upon order
of judge

Copies of other Written Instruments.

50. A party intending to prove the original of a telegram, letter, shipping bill, bill of lading, delivery order, receipt, account or other written instrument used in business or other transactions, may give notice to the opposite party ten days at least before the trial or other proceeding in which the proof is intended to be adduced that he intends to give in evidence as proof of the contents a writing purporting to be a copy of the document and in the notice shall name some convenient time and place for the inspection thereof.

Copies of
certain
documents
may be
admitted as
evidence on
certain
conditions

(2) Such copy may then be inspected by the opposite party, and shall without further proof be sufficient evidence of the contents of the original document, and be accepted and taken

Inspection

Costs

in lieu of the original, unless the party receiving the notice within four days after the time mentioned for such inspection gives notice that he intends to dispute the correctness or genuineness of the copy at the trial or proceeding, and to require proof of the original; and the costs attending any production or proof of the original document shall be in the discretion of the court.

Miscellaneous Provisions.

Witnesses may be ordered to be examined in relation to any matter pending before a foreign tribunal

51. Where it is made to appear to the Supreme Court or a judge thereof, or to a judge of a District Court, that any court or tribunal of competent jurisdiction in a foreign country has duly authorized, by commission, order or other process, the obtaining of the testimony in or in relation to any action, suit, proceeding or inquiry pending in or before such foreign court or tribunal, of a witness out of the jurisdiction thereof and within the jurisdiction of the court or judge so applied to, such court or judge may order the examination of such witness before the person appointed, and in the manner and form directed by the commission, order or other process; and may by the same or by a subsequent order command the attendance of any person named therein for the purpose of being examined, or the production of any writing, other document or thing mentioned in the order; and may give all such directions as to the time and place of the examination, and all other matters connected therewith as may seem proper; and the order may be enforced, and any disobedience thereto punished, in like manner as in case of an order made by the same court or judge in an action pending in such court or before such judge.

Payment of expenses of witnesses

(2) A person whose attendance is so ordered shall be entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial in the Supreme Court.

Right of refusal to answer questions and to produce documents

(3) A person examined under such commission, order or other process, shall have the like right to object to answer questions tending to criminate himself, and to refuse to answer any questions which, in an action pending in the court by which or by a judge whereof or before the judge by whom the order for examination was made, the witness would be entitled to object or to refuse to answer; and no person shall be compelled to produce at the examination any writing, document or thing which he would not be compellable to produce at the trial of such an action.

Administration of oath

(4) Where the commission, order or other process or the instructions of the court accompanying the same direct that the person to be examined shall be sworn or shall affirm the person so appointed shall have authority to administer the oath to him or take his affirmation.

Attesting witness need not be called where none is required by law

52. It shall not be necessary to prove by the attesting witness an instrument to the validity of which attestation is not requisite.

Comparison of disputed writing with genuine

53. Comparison of a disputed writing with any writing proved to the satisfaction of the court to be genuine shall be permitted to be made by a witness; and such writings and the evidence of witnesses respecting the same may be submitted to the court or jury as evidence of the genuineness or otherwise of the writing in dispute.

54. Where a document is received in evidence the court admitting the same may direct that it be impounded and kept in such custody for such period and subject to such conditions as may seem proper or until the further order of the court or of the Supreme Court or a judge thereof or of a District Court (as the case may be).

When instruments offered in evidence may be impounded

55. In the completion of any contract of sale of land, recitals, statements of facts and matters and descriptions of parties, contained in deeds, instruments, Acts of Parliament or statutory declarations twenty years old at the date of the contract, shall, subject to any stipulations to the contrary in such contract, and unless and except so far as they are proved to be inaccurate, be taken to be sufficient evidence of the truth of such recitals, statements and descriptions.

In completion of contracts recitals 20 years old to be taken as sufficient

56. The provisions of this Act shall not be taken to exclude any method of proving documents or facts in any way in which they may by law be proved.

Provisions of this Act additional to provisions in other Statutes of Alberta

57. Clause 12 of section 10 of *The Judicature Ordinance* and section 1, chapter 10, of the Ordinances of 1901, are hereby repealed.

Repeal

1910
(SECOND SESSION)

CHAPTER 4.

An Act to Prevent Priority among Execution Creditors.

(Assented to December 16, 1910.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

- | | |
|--|--|
| Short title | 1. This Act may be cited as " <i>The Creditors' Relief Act.</i> " |
| | 2. In this Act— |
| District | 1. "District" shall mean a judicial district; |
| Execution | 2. "Execution" shall include a writ of <i>fiery facias</i> and every subsequent writ for giving effect thereto; |
| Judge | 3. "Judge" shall mean a judge of the District Court of the district, the sheriff of which is required to take the proceedings directed by this Act; |
| Sheriff | 4. "Sheriff" shall include any officer to whom an execution is directed; |
| Where judge is disqualified | 5. Where a judge is disqualified to act in a matter arising under this Act a judge of the District Court of an adjoining district shall have jurisdiction to act in his place. |
| No priority among execution creditors | 3. Subject to the provisions hereinafter contained there shall be no priority among creditors by execution from the Supreme Court or from a District Court. |
| Attachment to be for benefit of all creditors | 4. A creditor who attaches a debt shall be deemed to do so for the benefit of all creditors of his debtor as well as for himself. |
| Payment to be made to sheriff | (2) Payment of such debt shall be made to the sheriff of the district in which the garnishee resides, or if there are more garnishees than one in respect of the same debt then to the sheriff of the district in which any one of them resides. |
| Attachments in small debt case | (3) This section shall not apply to debts attached by proceedings in a large debt case before judgment or a small debt case unless, before the amount recovered by the garnishee proceedings is actually received by the creditor, an execution against the property of the debtor is placed in the hands of the sheriff of such district. 1911-12, c. 4, s. 37. |
| Money paid to sheriff who has no execution in hand | (4) Where money is paid to a sheriff in whose hands there is no execution against the property of the debtor, and there is in the hands of the sheriff of another district an execution against the property of the debtor, the court or a judge on the application of such last mentioned sheriff or of a creditor or of the debtor may direct, on such terms as to costs and otherwise as may seem just, that such money be paid over to such last mentioned sheriff to be distributed by him as if such money |

had then been paid to him by the garnishee; and the court or judge shall fix the compensation to be paid to the sheriff by whom the money was received from the garnishee for his services.

(5) Where money which a sheriff is entitled to receive under the provisions of this section is paid into any court the sheriff shall be entitled to demand and receive the same from the clerk of such court for the purpose of distributing it under the provisions of this Act. 1911-12, c. 4, s. 37. Money paid into District Court

(6) An attaching creditor shall be entitled to share in respect of his claim against the debtor in any distribution made under the provisions of this Act, but his share shall not exceed the amount recovered by his garnishee proceedings unless he has in due time placed an execution or a certificate given under this Act in the sheriff's hands. Attaching creditor to share with other creditors

(7) The sheriff shall be entitled to poundage upon money received and distributed by him under the provisions of this section at the rate of one and a quarter per cent. and no more. Sheriff's poundage

(8) If an attached debt which the sheriff is entitled to receive, or any part of it, is received by the attaching creditor, the sheriff may recover the same from him; and the clerk of any court shall not pay to the creditor attaching a debt before judgment in a large debt case or to a creditor attaching a debt in a small debt case any moneys recovered by the garnishee proceedings unless such attaching creditor produces a certificate from the sheriff of the district that there is no execution in his office against the goods or lands of the debtor. 1911-12, c. 4, s. 37. Sheriff may recover attached debt

5. Where a sheriff levies money under an execution against the property of a debtor, or receives money under proceedings had and taken under the rules of court relating to the attachment of personal property of an absconding debtor, he shall forthwith make an entry, form 1, in a book to be kept in his office open to public inspection without charge. Sheriff after levy to enter notice thereof

(2) The money shall thereafter be distributed rateably among all execution creditors and other creditors whose executions or certificates given under this Act were in the sheriff's hands at the time of the levy or receipt of the money, or who deliver their executions or certificates to the sheriff within one month from the entry; subject, however, to the provisions hereinafter contained as to the retention of dividends in the case of contested claims, and to the payment of the costs of the creditor under whose execution the amount was made; and subject also to the provisions of subsection 6 of the next preceding section, and, as respects money recovered by garnishee proceedings, subject to the payment thereof to the creditor who obtained the attaching order of his costs of such proceedings. Distribution

(3) Subsection 2 shall not apply to moneys received by a sheriff as the proceeds of a sale of property by him under an interpleader order but upon the determination of the interpleader proceeding in favour of the creditors the moneys whether in the sheriff's hands or in court pending such determination, shall, subject to the provisions of subsection 4, be distributed by the sheriff among the creditors contesting the adverse claims. Moneys realized on sale under interpleader order

(4) Where proceedings are taken by a sheriff for relief under any provisions relating to interpleader those creditors only Rights of creditors in

case of
interpleader
proceedings

who are parties thereto and who agree to contribute *pro rata* in proportion to the amount of their executions or certificates to the expense of contesting any adverse claim shall be entitled to share in any benefit which may be derived from the contestation of such claim so far as may be necessary to satisfy their executions or certificates.

Order as
to carrying on
proceedings

(5) The judge making the interpleader order may direct that one creditor shall have the carriage of the interpleader proceedings on behalf of all creditors interested, and the costs thereof as between solicitor and client shall be a first charge upon the money or goods which may be found by the proceedings to be applicable upon the executions or certificates.

Time
allowed in
interpleader

(6) Upon any interpleader application the judge may allow to other creditors who desire to take part in the contest a reasonable time in which to place their executions or certificates in the sheriff's hands upon such terms as to costs and otherwise as may be deemed just.

Application
of subsequent
levy

(7) Where the sheriff, subsequently to the entry, but within the month, levies a further amount from the property of a debtor or receives money in respect of a debt which has been attached or sold, the same shall be dealt with as if such amount had been levied or received prior to the entry.

Notice and
distribution on
further levy

(8) If after the month a further amount is so levied or received a new notice shall be entered and the distribution to be made of the amount so levied or received and of any further amount levied or received within a month of the entry of the last mentioned entry shall be governed by the entry thereof in accordance with the foregoing provisions of this section, and so from time to time as further amounts are so levied or received.

Credit to be
given of
payment
received

(9) Where a creditor has shared in a previous distribution he shall be entitled to share in a subsequent one only in respect of the amount remaining due to him after crediting what he has received in any previous distribution.

Lands and
goods writs
share equally

(10) In the distribution of money under this section creditors who have executions against goods or lands only or against goods and lands shall be entitled to share rateably with all others any moneys realized under execution against either goods or lands or against both, or under an attaching order.

What creditors
may share

(11) Subject to the provisions of subsection 6 of section 4 a creditor shall not be entitled to share in the distribution unless by delivery of an execution, or otherwise under this Act, he has established a claim against the debtor either alone or jointly with some other person.

Money
realized under
rules of court
relating to
absconding
debtors

(12) Where moneys in the hands of the sheriff for distribution are the proceeds of the property of an absconding debtor against whom an order of attachment has been issued under the rules of court relating to the attachment of personal property of absconding debtors the period mentioned in subsection 2 shall be two months, and subsection 8 shall be read as if the words "the month" in the first line were "the two months."

Wages or
salary due
by execution
debtor

(13) All persons who are at the time of the seizure by the sheriff, or who within one month prior thereto have been in the employment of the execution debtor, and who shall become entitled to share in the distribution of money levied out of the property of a debtor, shall be entitled to be paid out of such

money the wages or salary due to them by the execution debtor, not exceeding three months' wages or salary, in priority to the claims of the other creditors of the execution debtor, and shall be entitled to share *pro rata* with such other creditors as to the residue, if any, of their claims.

6. If a debtor permits an execution issued against him under which any of his goods or chattels are seized by a sheriff to remain unsatisfied in the sheriff's hands until within two days of the time fixed by the sheriff for the sale thereof, or for twenty days after the seizure, or allows an execution against his lands to remain unsatisfied for nine months after it has been placed in the sheriff's hands, the proceedings hereinafter authorized may be taken by other creditors or claimants in respect of debts which are overdue.

Proceedings where debtor allows execution to remain unsatisfied

7. An affidavit, form 2, of the debt and the particulars thereof may be made in duplicate by the creditor, or by one of the creditors in case of a joint debt, or by a person cognizant of the facts.

Affidavit of creditor

(2) Prior to or simultaneously with the filing with the clerk of the District Court of the affidavit there shall be filed with him a certificate of the sheriff or an affidavit showing that such proceedings have been had against the debtor as entitle the creditor to proceed under this Act.

Filing affidavit or certificate

(3) The claimant shall serve on the debtor one of the duplicates and a notice, form 3.

Service on debtor

(4) Where the affidavit and notice are to be served out of Alberta the judge shall by order fix the time after which the next step may be taken by the claimant as hereinafter provided.

Service out of Alberta

8. An execution debtor may give notice in writing to the sheriff that any claims to be served upon him may be served upon a solicitor in Alberta whose name and address shall be given, or by mailing the same to an address stated in the notice.

Notice by debtor of address for service

(2) The sheriff shall thereupon enter the notice in the book mentioned in subsection 1 of section 5, and so long as any execution which was in the sheriff's hands at the time the notice was given shall remain in his hands shall repeat such entry immediately below any entry, form 1, made in respect of the execution, unless the notice is revoked in writing, in which case the entry thereof shall be marked "revoked."

Entry of notice

(3) So long as the notice is not revoked the affidavit of claim and notice, form 3, may, where a solicitor is named, be served upon an execution debtor by serving the same upon the solicitor, or if mailing is required then by mailing the same by registered post to the address in the notice given by the execution debtor.

Service at address

(4) Where the notice, form 3, served on a debtor does not state some place in or within three miles of the office of the clerk of the district within which the proceedings are being taken, at which service may be made upon the claimant, or does not give the name and address of some solicitor in Alberta who may be served on the claimant's behalf, service of any notice, paper or document may be made upon the claimant by mailing the same, by registered post addressed to the claimant at the town where the said clerk's office is situated.

Service by mail

Filing
affidavit

(5) The claimant shall file with the clerk of the District Court of the district, the sheriff of which has the execution, one of the duplicate affidavits of claim, and a copy of the notice with an affidavit of service thereof, form 4.

Service
generally

(6) The affidavit and the notice shall where practicable be personally served upon the debtor; but if it is made to appear to the judge that the claimant is unable to effect prompt personal service the judge may order substitutional or other service, or may direct some act to be done which shall be deemed sufficient service.

Certificate
where claim
not disputed

9. Where the claim is not contested in manner hereinafter mentioned, after ten days from the day of service, or after the time mentioned in the order provided for by subsection 4 of section 7 (as the case may be), on the application of the claimant and his filing proof of due service of the affidavit and notice, or where the claim is contested, upon the determination of the dispute in favour of the claimant, either in whole or in part, the clerk of the District Court shall deliver to the creditor a certificate, form 5; and where the claim is disputed as to a part only the claimant may elect by a writing filed with the clerk to abandon such part and shall be entitled to a certificate as to the residue.

Delivery to
sheriff and
effect of
certificate

(2) Upon delivery of the certificate to the sheriff the claimant shall be deemed to be an execution creditor within the meaning of this Act and shall be entitled to share in any distribution as if he had delivered an execution to the sheriff, and the certificate shall bind the lands and goods of the debtor in the same manner as an execution; subject, however, to the debt being afterwards disputed by a creditor as hereinafter provided.

(3) For the purpose of interpleader proceedings the certificate shall be deemed to be an execution.

Address for
service to be
endorsed

(4) If the certificate is obtained by a solicitor his name and address shall be endorsed thereon; and if obtained by the claimant in person there shall be endorsed thereon a statement of some place within three miles of the office of the clerk of the district within which proceedings are being taken, at which service may be made upon him, and in default thereof service of any notice, paper or document may be made upon the claimant by mailing the same by registered post addressed to him at the town where the clerk's office is situated.

Further levy
to be made

(5) On receiving the certificate the sheriff shall make a further seizure of the property of the debtor to the amount of the debt so claimed, and the sheriff's fees; and so from time to time in case further certificates are received.

Time of
remaining in
force

(6) A certificate shall remain in force for two years from the date thereof but may from time to time be renewed in the same manner as an execution.

Execution or
certificate
expiring within
month of levy

(7) Notwithstanding the expiry of an execution or certificate before the termination of the month during which a notice of money having been levied or received is required to be entered, the execution or certificate, as to any money levied or received during such month, shall be deemed to be in full force and effect.

Contesting
claim

10. The claim may be contested by the debtor or by a creditor of the debtor.

(2) Where the debtor contests the claim he shall file with the clerk an affidavit stating that he has a good defence to the claim or to a specified part of it on the merits, but the judge may dispense with the affidavit on terms or otherwise. Affidavit of debtor

(3) The debtor shall file the affidavit and serve upon the claimant a copy thereof within ten days after service upon him of the affidavit of claim and the notice, or within the time mentioned in the order provided for by subsection 4 of section 7, as the case may be, or within such further time as the judge may allow. Filing and serving affidavit

(4) Where the contestation is by a creditor he shall file with the clerk an affidavit to the effect that he has reason to believe that the debt claimed is not really and in good faith due from the debtor to the claimant; but the judge may dispense with the affidavit on terms or otherwise. Contestation by creditor

(5) Notice of contestation, whether by the debtor or by a creditor, together with a copy of the affidavit, if any, shall be served upon the claimant within five days after filing the affidavit, or after the order of the judge if the affidavit is dispensed with. Notice of contestation

(6) The affidavit by a creditor may be filed and a certificate thereof delivered to the sheriff at any time before distribution is made, and the sheriff shall forthwith give notice of the receipt of such certificate to the claimant. Certificate of contestation

(7) The affidavit of the debtor or other contestant shall have endorsed thereon a statement of some place in or within three miles of the office of the clerk of the district within which proceedings are being taken at which service may be made upon him, or the address of a solicitor in Alberta, who may be served on his behalf, and in default thereof service of any notice, paper or document may be made upon the debtor or contestant by mailing the same by registered post addressed to him at the town where the office of the clerk of the district within which proceedings are being taken is situated. Address for service

11. Where the address of a solicitor is given for service which is not within three miles of the clerk's office in which the proceedings are being carried on service may be made upon him by mailing papers by registered post to him at the address so given. Service on solicitor by mailing

12. Where a claim is contested by a creditor after a certificate has been placed in the sheriff's hands the sheriff, unless the judge otherwise orders, shall levy as if such contestation had not been made, and shall until the determination of the contestation retain in a bank the amount which would be apportionable to the claim if valid, and shall as soon after the expiry of the month as is practicable distribute the residue of the money made amongst those entitled. Distribution in case of contestation

(2) The claimant whose claim is contested may apply to the judge for an order allowing his claim and determining the amount; and if he does not make such application within eight days after receiving notice of the contestation or within such further time, if any, as the judge may allow he shall be taken to have abandoned his claim. Claimant may apply for allowance of claim

(3) Where the contestant is a creditor and there is reason to believe that the contestation is not being carried on in good faith When contest is not in good faith

faith any other creditor may apply for an order permitting him to intervene in the contestation.

Trial of
contestation

13. The judge may determine any question in dispute in a summary manner, or may direct an action to be brought or an issue to be tried in any court and in any district for the determination thereof, and make such order as to the costs of the proceedings as he may deem just.

Where amount
in controversy
exceeds \$600

(2) Where the sum in controversy appears to be over \$600 exclusive of costs the judge shall direct that the action be brought or the issue tried in the Supreme Court, and subject to any order which the Supreme Court or a judge thereof may make in that behalf shall name the district in which the trial is to take place. 1913 (1st Session), c. 9, s. 28.

Proceedings
where issue
tried

(3) Where an issue is directed the trial shall take place and all proceedings subsequent thereto shall be the same as if it had been an action in the court in which it is ordered to be tried.

Production,
examination,
etc.

14. The same proceedings may be had for the production of documents and for the examination of parties or others, either before or at the trial as may be taken in an ordinary action, and such proceedings may also be taken before the application to the judge, and as a foundation therefor.

Clerk to keep
book of record

15. The clerk of the District Court shall keep a book in which before giving a certificate or issuing an execution for a claim he shall enter the following particulars with reference to every claim in respect of which he gives a certificate or issues an execution:

- (a) The name of the claimant, and of the debtor;
- (b) The date of the entry;
- (c) The amount of the debt, exclusive of costs;
- (d) The amount of costs;
- (e) If the proceedings have been set aside, that fact, and shortly the reason therefor.

Effect of
entry

(2) The entry shall (subject to the provisions of this Act) have the effect of and be a final judgment of the court for the debt and costs.

Index

(3) The clerk shall index the entries in a book alphabetically under the names of the debtors.

Copy of
entry evidence

(4) Where the original papers are lost or destroyed, a copy of the entry shall be evidence of the matters therein set forth.

Establishing
claim in
another
district

16. Where a creditor has taken in one district the prescribed proceedings in respect of his claim and desires to establish his claim for the purposes of this Act in another district he may do so by obtaining from the clerk of the District Court of the district first mentioned another certificate, form 5, and delivering the same to the sheriff of such other district, and the delivery of the certificate to the sheriff shall have the same effect in such other district from the time of the delivery thereof as if the certificate has been issued by the clerk of the District Court of such other district upon proceedings therein.

Executions
may issue
to any district

17. A creditor, entitled to obtain a certificate from the clerk of a District Court, may also sue out an execution into any district

in the same manner as on an ordinary judgment; but this shall, not prejudice the right of any other creditor to contest the claim of such first mentioned creditor under the provisions of this Act.

18. Where a claim is contested in one district the decision thereon shall, as between the parties to the contestation, determine the amount of the claim for the purposes of this Act in all other districts in which the claim is filed, and the certificate of the clerk of the District Court of the district in which the contestation has taken place, of the result thereof, shall be sufficient evidence of the decision.

Decision in
one district
binding in
others

(2) Upon payment of a fee of fifty cents the certificate shall be granted to any party to the proceedings who applies therefor:

19. Where the debtor, without a sale by the sheriff, pays the full amount owing in respect of the executions and claims in the sheriff's hands at the time of such payment and no other claim has been filed, or where all executions and certificates in the sheriff's hands are withdrawn and any claims filed are paid or withdrawn, notice shall not be entered under the provisions of section 5 and no further proceedings shall be taken under section 6.

Application of
money paid
by debtor
voluntary
to sheriff

(2) Save as aforesaid after a certificate has been delivered to the sheriff the withdrawal or expiry of the execution upon which the proceedings are founded, or any stay of the same, or the satisfaction of the plaintiff's claim thereon, or the setting aside or return of the execution, shall not affect the proceedings which may be taken under this Act, and except so far as the action taken with respect to the execution may affect the amount to be levied the sheriff shall levy upon the property of the debtor as he would have done had the execution remained in his hands in full force for execution and he may also take the like proceedings as he would have been entitled to take had the execution been a writ of *venditioni exponas*.

(3) Where a debtor, without a sale by the sheriff, pays to him part of the amount owing in respect of an execution or certificate in his hands, and there is at the time no other execution or certificate in his hands, he shall apply the same on the execution or certificate, and section 5 shall not apply to the money so paid.

20. Where proceedings have been taken against a debtor under the rules of court relating to the attachment of personal property of absconding debtors, and his property has been attached under an order of attachment, before an execution has been placed in the hands of the sheriff, and the moneys levied are the proceeds of such property or a part thereof, the cost of the order of attachment, or if there are more than one the one first placed in the sheriff's hands and the proceedings thereon shall have priority over the claim of all other creditors.

Costs of
proceedings
against
absconding
debtors

(2) Where an attaching creditor is entitled to priority under subsection 1 of this section the priority provided for by subsection 2 of section 5 shall not be given to the execution creditor.

21. The clerk of the District Court shall ascertain and state in his certificate the amount of the costs to which the claimant is entitled as against the debtor.

Costs of
claimant

(2) Such costs shall be the following:

- (a) For serving the affidavit of claim and notice in the case of claims over \$400 on the scale of the Supreme Court, and in the case of claims not exceeding \$400 on the District Court scale;
- (b) The fees paid to the clerk of the District Court on the scale for like proceedings in the District Court;
- (c) Where there is no contest \$5 for fees of a solicitor, if one is employed, unless the amount of the claim does not exceed \$200; in which case the sum of \$2 shall be allowed;
- (d) Where there is a contest such additional costs as the judge may allow, to be taxed on the scale of the Supreme Court or District Court, according as the amount in dispute is within the jurisdiction of one or other of such courts.

Payment to
sheriff of fund
in court

22. Where there is in any court a fund belonging to an execution debtor or to which he is entitled the same, or a sufficient part thereof to meet the executions and certificates in the sheriff's hands, may, on the application of the sheriff or any person interested, be paid over to the sheriff, and the same shall be deemed to be money levied under execution within the meaning of this Act.

Money made
by receiver

23. Where a judgment creditor obtains the appointment of a receiver by way of equitable execution of property of his debtor the receiver shall pay into court the money received by him by virtue of his receivership, and the same shall be subject to the provisions of the next preceding section, but the creditor shall be entitled to be paid thereout the costs of and incidental to the receivership order and the proceedings thereon in priority to the claims of all other creditors.

Apportionment
of money
when amount
insufficient to
pay claim in
full

24. Where the amount levied by the sheriff is not sufficient to pay the executions and certificates with costs in full the money shall be applied to the payment rateably of such debts and costs of the creditors after retaining the sheriff's fees including poundage, and after payment in full of the taxed costs and the costs of the execution to the creditor at whose instance and under whose execution the seizure and levy were made where he is entitled to priority therefor under the provisions of this Act.

Levy of
interest and
costs of
renewal

25. The sheriff if directed by an endorsement upon a certificate shall, in addition to the amounts named therein, levy interest on such amounts from the date of the certificate or from the date named in that behalf in the certificate, and also \$1.35 for the disbursements on every renewal of the certificate; and where such renewal is made upon the application of a solicitor he shall also levy \$1.25 for the solicitor's costs on the renewal.

Sheriff's
poundage

26. Where money is to be distributed by the sheriff under this Act he shall not be entitled to poundage as upon separate executions or certificates, but only upon the net proceeds distributable by him at the same rate as if the whole amount had been payable upon one execution.

27. Where money is made under an execution it shall be taken to have been made under all the executions and certificates entitled to the benefit thereof, and upon payment being made to the person entitled under any such execution or certificate the sheriff shall endorse thereon a memorandum of the amount so paid, but he shall not, except on the request of the party who issued the execution, or by the direction of the court out of which the same issued, or of a judge thereof, return the execution until the same has been fully satisfied or has expired, in which later case the sheriff shall make a formal return of the amount made thereunder.

Money made on any writ to be considered as made on all writs entitled to benefit thereof

(2) The like proceedings may be taken to compel payment by the sheriff of money payable in respect to a certificate as can now be had to compel the return by the sheriff of an execution.

Compelling payment by sheriff

28. Pending the distribution the sheriff shall keep in the book mentioned in section 5 a statement, form 6, showing the following particulars:

Statement to be kept in sheriff's office pending distribution

(a) The amounts levied or received and the dates of levy or receipt;

(b) Each execution, certificate or order in his hands at the time of making the entry, form 1, or subsequently received during the month, the amount thereof, for debt and costs, and the date of receipt, and such statement shall be amended from time to time as additional amounts are levied or received or further executions, certificates or orders are received.

29. The sheriff shall at all times without fee answer any reasonable question which he may be asked orally in respect to the property of the debtor by a creditor, or any one acting upon his behalf and shall facilitate the obtaining by him of full information respecting the same and the probable dividend to be realized therefrom in his district, or any other information in connection with the property which the creditor may reasonably desire to obtain.

Sheriff to give information as to estate of debtor

30. Where at the time for distribution the money is insufficient to pay all claims in full the sheriff shall first prepare for examination by the debtor and his creditors a list of the creditors entitled to share in the distribution, with the amount due to each for principal, interest and costs.

Distribution by sheriff where amount levied insufficient to meet all claims

(2) The list shall be so arranged as to show the amount payable to each creditor and the total amount to be distributed; and the sheriff shall deliver, or send by registered post to each creditor or his solicitor, a copy of the list.

(3) If within eight days after all the copies have been delivered or posted, or within such further time as the judge may allow, no objection is made as provided by this Act the sheriff shall make distribution forthwith pursuant to such list.

(4) If objection is made the sheriff shall forthwith distribute rateably so much of the money made, and among such persons, as will not interfere with the effect of the objection in case the same should be allowed.

(5) Any person affected by the proposed scheme of distribution may contest the same by giving within the time mentioned in subsection 3 a notice in writing to the sheriff, stating his objection to the scheme and the grounds thereof.

(6) The contestant shall within eight days thereafter apply to the judge for an order adjudicating upon the matter in dispute, otherwise the contestation shall be taken to be abandoned.

(7) The contestant shall within the time mentioned in the next preceding subsection obtain from the judge an appointment for hearing and determining the matter in dispute.

(8) A copy of the appointment and a notice in writing, form 7, of the objections stating the grounds thereof shall be served by the contestant upon the debtor unless he is the contestant, and upon the creditors or such of them as the judge may direct.

(9) The judge may determine any question in dispute in a summary manner, or may direct an action to be brought or an issue to be tried with or without a jury in any court and in any district for the determination thereof, and may make such order as to the costs of the proceedings as he may deem just, and the provisions of subsections 2 and 3 of section 13 shall apply.

(10) Where a claimant is held to be not entitled, or to be entitled to part only of his claim, the money retained pending the contestation, or the portion as to which the claimant shall have failed, shall be distributed among the creditors who would have been entitled thereto, as the same would have been distributed had the claim in respect thereof not been made.

Directions by
judge to
avoid
unnecessary
parties and
trials

31. Where several creditors are interested in a contestation, either for or against the same, the judge shall give such directions for saving the expense of an unnecessary number of parties and trials, and of unnecessary proceedings, as he may deem just, and shall direct by whom and in what proportions any costs incurred in the contestation or in any proceedings thereunder shall be paid, and whether any and what costs shall be paid out of the money levied.

Direction by
judge to
sheriff where
claim is
disputed

32. The judge may direct the sheriff to levy for an amount sufficient to cover a claim which is in dispute or part thereof, or if it appears to the judge that it is improbable that the debtor has other sufficient property he may direct the sheriff to retain in his hands during the contestation the share which if the claim is sustained will be apportionable to it, or a part thereof.

(2) An order to levy under this section shall confer on the sheriff the same authority as he would have under an execution.

Decisions to
be binding on
all creditors

33. The decision of a judge of the Supreme or District Court or of the court *en banc* on an appeal shall bind the debtor and all his creditors, unless it appears that the decision was obtained by fraud or collusion.

Sheriff to
deposit money
in bank

34. Where money comes into the hands of a sheriff he shall whenever the same amounts to \$100 deposit it in some chartered bank designated for that purpose by order of the Lieutenant Governor in Council.

(2) The deposit shall be made in a special account in the name of the sheriff, as "Trustee for the creditors of," (the debtor).

35. Where there are in the sheriff's hands several executions and certificates, and there does not appear to be sufficient property to pay all and his own fees, he may apply for an order attaching any debt owing to the execution debtor by any person resident in the district of such sheriff, whether the debt is owing by such person alone or jointly with another person resident or not resident in such district, and to procure the order and to obtain and enforce payment of the debt the sheriff may take the same proceedings as a creditor; and in such case an execution may be directed to him in the same manner as if the attachment were by a creditor; and the proceeds of the debt attached shall be dealt with and distributed in the same manner as if he had realized the same under execution. Attaching orders by sheriff or creditor

36. If any party to a contestation or matter upon which a judge has rendered or made a final judgment or order is dissatisfied with such judgment or order, and the same is in respect to a question involving a sum greater than \$200, he may appeal therefrom to the Supreme Court *en banc*, as nearly as may be according to the practice in force in respect of appeals from a District Court or a judge thereof. Appeal

37. For the purpose of giving effect to this Act and carrying out its provisions a judge shall have all the powers which a District Court or a judge thereof has by law for other purposes; and any proceedings erroneously taken under this Act may be set aside by the judge with or without costs as he thinks fit. Powers of judge

38. Upon any proceeding before the judge the evidence may be taken orally or by affidavit as the judge may direct. Evidence on proceeding before judge

39. The following fees shall be payable to the clerk in law stamps upon all claims filed:

On an affidavit of claim where the amount claimed does not exceed \$400	\$.80
On every such affidavit where the claim exceeds \$400	1.50
On every certificate of the clerk given under section 9, where the claim does not exceed \$400 . . . . .	.80
On every such certificate where the claim exceeds \$400	1.50
On every order made by the judge allowing or disallowing a claim, where the claim does not exceed \$400 . . . . .	.50
On every such order where the claim exceeds \$400	1.00

There shall be paid to the sheriff on certificates placed in his hands under this Act, the same fees as are payable on writs of execution.

40. Except where inconsistent with this Act, the provisions of *The Judicature Ordinance* and rules of court as to practice and procedure shall apply to proceedings under this Act. Application of Judicature Act and rules of court

41. The provisions of this Act shall not apply to the proceeds of any seizure allowed under section 4 of chapter 27 of The Consolidated Ordinances. When Act is applicable

42. Chapter 26 of The Consolidated Ordinances of 1898 and all amendments thereto are repealed.

SCHEDULE.

FORM 1.

(Section 5, Subsection 1.)

SHERIFF'S ENTRY.

I have on this day in my hands for distribution under *The Creditors' Relief Act* among the creditors of *C.D.* the sum of \$.....and the distribution will be made among the creditors of the said *C.D.* entitled to share therein at the expiration of one month from this day.

Dated the.....day of.....19.....
F.G.,
Sheriff.

FORM 2.

(Section 7, Subsection 1.)

AFFIDAVIT OF CLAIM.

THE CREDITORS' RELIEF ACT.

In the District Court of the District of.....
A.B., Claimant, and
C.D., Debtor.

I, A.B., of.....in the Province of Alberta, merchant
(or as the case may be) make oath and say:

1. I am the above named claimant (or the duly authorized agent of the claimant in this behalf, and have a personal knowledge of the matter herein-after deposed to).

2. The above named debtor is justly and truly indebted to me (or to the above named claimant) in the sum of \$.....for (here state shortly the nature and particulars of the claim).

Sworn before me at.....
this.....day of.....A.B.
19.....

.....
A Commissioner, etc. (or as the case may be).

FORM 3.

(Section 7, Subsection 3).

NOTICE TO BE SERVED WITH CLAIM.

THE CREDITORS' RELIEF ACT.

In the District Court of the District of.....
A.B., Claimant, and
C.D., Debtor.

To the above (or within) named debtor.

Take notice that the claimant intends to file with the clerk of the District Court of the District of.....(or as the case may be) the original affidavit of claim of which a duplicate is served herewith, and that this proceeding is taken by reason of there being in the hands of the

sheriff of the said district an execution against your property, and that the claimant intends to call on the sheriff to levy the amount of the said debt from your property under the authority of *The Creditors' Relief Act*.

And further take notice that if you desire to contest the said claim, or any part thereof, you must, within ten (1) days after the service of this notice upon you, file with the clerk of the said court an affidavit stating that you have a good defence to the said claim on the merits, or that you have such defence to a specified part of the claim. If no such affidavit is filed the claim will be treated as admitted by you. If the affidavit is filed contesting the claim as to part only such claim may be so treated as to the part not contested.

You are further hereby notified that unless you endorse upon such affidavit filed by you a statement of some place within three miles of the said clerk's office at which service may be made upon you, or the address of some solicitor in Alberta who may be served on your behalf, service may be made upon you of any notice, paper, or document, by mailing the same by registered post addressed to you at the town in which the said clerk's office is situate.

Dated the.....day of.....19....

A.B.,

Claimant.

NOTE.—(1) If further time is given by a judge the notice should be varied accordingly.

FORM 4.

(Section 8, Subsection 5.)

AFFIDAVIT OF SERVICE OF CLAIM.

THE CREDITORS' RELIEF ACT.

In the District Court of the District of.....

A.B., Claimant, and

C.D., Debtor.

I, G.H., of.....in the District of.....
make oath and say:

That I did on the.....day of.....19....
personally serve C.D., the above named debtor (or as the case may be) with an original affidavit identical with the annexed affidavit and that there was at the time of such service attached to (or endorsed upon) the said affidavit so served a true copy of the notice addressed to the debtor, now attached to (or endorsed upon) the said annexed affidavit.

Sworn before me at.....
this.....day of..... } G.H.

19....

.....
A Commissioner, etc. (or as the case may be).

FORM 5.

(Section 9, Subsection 1, and Section 16.)

CERTIFICATE OF PROOF OF CLAIM.

THE CREDITORS' RELIEF ACT.

In the District Court of the District of.....

A.B., Claimant, and

C.D., Debtor.

I, G.H., clerk of the District Court of the District of.....
do hereby certify:

1. That the above named claimant did on the.....
day of.....19...., file with me a claim against the above
named debtor, for the sum of \$....., together with an
affidavit of personal service thereof (or as the case may require) and of the notice

required by *The Creditors' Relief Act*, upon the said debtor, and that it thereby appears that such service was made on the.....day of.....19.....

2. And I further certify that the debtor has not contested the said claim (or has only contested the sum of \$.....part of the said claim (as the case may be) and that the claimant having abandoned such part is entitled to the residue of his claim being the sum of \$....., and the further sum of \$.....for costs).

(Or when the claim is contested in whole or in part),

3. That the claim has been allowed by the judge at the sum of \$.....with \$.....for costs.

G.H.,
Clerk.

FORM 6.

(Section 28.)

SHERIFF'S STATEMENT OF EXECUTIONS, ETC., IN HIS HANDS AGAINST C.D.

Cause	Proceeding	Claims without costs	Costs	Date of receipt by Sheriff	Amount levied or received	Date of levy or receipt
A.B. v. C.D.	Fi. Fa. goods and lands	\$504	\$30	18 Feb. 19	\$500	1 May, 19
F.G. v. C.D. & E.G.	Fi. Fa. goods and lands	\$400	\$20	1 Mch. 19	\$300	3 May, 19
K.L. v. C.D.	Garnishee order	\$500	\$30	1 Mch. 19	\$300	Nothing made against E.G. 10 May, 19
M.N. v. C.D.	Creditor's Certificate	\$400	\$5	15 May 19		

FORM 7.

(Section 30, Subsection 8.)

NOTICE OF CONTESTATION OF SCHEME OF DISTRIBUTION.

THE CREDITORS' RELIEF ACT.

In the District Court of the District of.....
A.B., Claimant, and
C.D., Debtor.

To C.D., debtor, and F.G. and M.N., claimants.

Take notice that I contest the scheme of distribution prepared by the sheriff of the District of.....in respect of the claims of you the said F.G. and M.N., on the following ground (*state distinctly the ground*); and a copy of the judge's appointment to adjudicate upon the matter is served herewith.

Dated the.....day of.....19.....

X.Y.,
Contestant.

1910

(SECOND SESSION)

CHAPTER 5.

An Act respecting Charges upon Land contained in Certain Instruments.

(Assented to December 5, 1910.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. From and after the coming into force of this Act, every mortgage, charge or encumbrance upon land or upon any estate or interest therein contained in, endorsed upon or annexed to a writing, or instrument written or printed, or partly written and partly printed, or any part thereof, which said writing or instrument is required to be registered in order to preserve the rights of the seller or bailor of goods as against any purchaser or mortgagee of or from the buyer or bailee of such goods in good faith for valuable consideration, or against judgments under the Ordinance respecting *Hire Receipts and Conditional Sales of Goods*, or contained in, endorsed upon or annexed to a written order, contract or agreement for the purchase or delivery of any chattel or chattels shall be null and void to all intents and purposes whatsoever, notwithstanding anything contained in *The Land Titles Act* or in any other Act or Ordinance.

2. No such mortgage, charge or encumbrance, nor any caveat founded thereon, or upon any such writing or instrument, shall hereafter be registered or filed under *The Land Titles Act*, and in the event of any such writing or instrument by inadvertence, accident or otherwise, howsoever, being registered or filed in any land titles office contrary to the provisions of this Act, such registration or filing shall be ineffective and nugatory to all intents and purposes whatsoever, and may be cancelled by a judge of the Supreme Court upon the application of any person interested, which application may be made by way of originating summons.

1910

(SECOND SESSION)

CHAPTER 6.

An Act to amend The School Ordinance, The School Assessment Ordinance, and The School Grants Ordinance.

(Consolidated in various Acts.)

1910
(SECOND SESSION)

CHAPTER 7.

An Act respecting the University of Alberta.

(Assented to December 16, 1910.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

Short title 1. This Act may be cited as "*The University Act.*"

INTERPRETATION.

Interpretation	2. Where the words following occur in this Act, unless the contrary intention appears, they shall be construed as follows:
University	1. "The university" as meaning the University of Alberta;
The board	2. "The board" as meaning the Governors of the University of Alberta;
Appointed members	3. "Appointed members" as meaning the members of the board appointed by the Lieutenant Governor in Council;
Property	4. "Property" as including real property, and all other property of any nature and kind whatsoever;
Real property	5. "Real property" as including messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof, and any interest or interests therein;
College	6. "College" as including a school or other institution of learning;
Teaching staff	7. "Teaching staff" as including professors, associate professors, lecturers, instructors, demonstrators, and all others engaged in the work of teaching or giving instruction;
Now	8. "Now" as meaning when this Act comes into force;
Head	9. "Head" when it refers to the head of an affiliated institution, as meaning the person who is or is certified by the governing body of such institution to be the head thereof;
Senate	10. "Senate" as meaning the Senate of the University of Alberta;
Registrar	11. "Registrar" as meaning the Registrar of the University, or such other person as shall be designated by the board to act as the registrar of the university;
	12. "Convocation" as meaning the Convocation of the University as at present constituted together with all persons who may hereafter become graduates of the said university.

Provincial University etc., continued 3. The Provincial University known as the University of Alberta, the senate, convocation and the several faculties of the university are and each of them is hereby continued, and, subject to the provisions of this Act, shall respectively have,

hold, possess and enjoy all the rights, powers and privileges which they respectively now have, hold, possess and enjoy.

4. All appointments in and rules and regulations affecting the university shall continue, subject to the provisions of this Act, and subject also, as to the teaching staff, and all officers, servants and employees, to removal by the board at its discretion. Appointments, statutes, and regulations continued

(2) The Lieutenant Governor in Council may appoint a President of the University and may fix his remuneration and term of office and may alter or vary the remuneration and abridge or extend the term of office of the president whether heretofore or hereafter appointed.

5. No religious test shall be required of any professor, lecturer, teacher, officer or servant of the university, or of any student thereof or therein, nor shall religious observances according to the form of any religious denomination or sect be imposed on them or any of them, but the board may make regulations touching the moral conduct of the students thereof and therein, and their attendance at public worship in their respective churches or other places of religious worship, and their religious instruction by their respective ministers according to their respective forms of religious faith, and every requisite facility shall be afforded for such purposes: Religious tests, etc., not required
Moral and religious training

Provided always that attendance on such forms of religious observance shall not be compulsory on any student attending the university. Proviso

(2) Nothing in this section contained shall interfere with the right of any affiliated institution or college to make such provision in regard to religious instruction and religious worship for its own students as it may deem proper, and to require the same to be observed as a part of its own discipline. Rights of affiliated colleges as to religion

6. All property now or hereafter vested in the university and in the senate, convocation, or any faculty of the university, and the following real property purchased by the province for university purposes, namely: River lot number five in the Edmonton Settlement in the Province of Alberta, containing by admeasurement two hundred and fifty-eight (258) acres more or less, as well as any other property, real and personal, held or now owned by the province for the purposes of the university, is hereby, subject to any trust affecting the same, vested in the board, and all property, which heretofore has been or hereafter shall be granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the university, or any faculty or department thereof, or otherwise in connection therewith, subject always to the trusts affecting the same, shall be vested in the board: All property vested in board

Provided, however, that none of the real property so vested or which shall hereafter be vested in the board shall be sold or encumbered, nor shall the same be leased for a longer period than five years, except with the approval of the Lieutenant Governor in Council.

8. The real property vested in the board shall not be liable to be entered on, used or taken by any municipal or other corporation, or by any person possessing the right of taking Lands vested in board not liable to expropriation

lands compulsorily for any purposes whatsoever; and no power to expropriate real property hereafter conferred shall extend to such real property unless the Act conferring the power is made in express terms to apply to such real property.

Exemption of
property
from
taxation

9. The property, real and personal, vested in the board shall not be liable to taxation for provincial, municipal or school purposes, but shall be exempt from every description of taxation:

Provided, however, that the interest of every lessee or occupant of real property vested in the board, other than the interest of a lessee or occupant being a member of the teaching staff, or an officer or servant of the university, or being an association of undergraduates, or an incorporated society of undergraduates, or of graduates and undergraduates, or an affiliated college leasing or occupying property upon the premises in section 6 hereof mentioned, shall be liable to taxation.

Endowment of
chairs or
scholarships

10. Any person with the approval of the board may under and subject to such terms and conditions as it may prescribe endow a chair or found a scholarship in the university, or aid the university by providing an endowment for any other purpose or object in connection therewith.

BOARD OF GOVERNORS.

Board or
governors

11. There shall be and is hereby constituted a board of governors of the University.

Incorporation
of board

12. The board shall be a body corporate by the name and style of "The Governors of the University of Alberta," and shall have all the rights, powers and privileges mentioned in subsection 38 of section 7 of *The Interpretation Act*, and also the power to take and hold real property for the purposes of the university.

Composition
of board

13. The board shall consist of the chancellor and the president of the university, who shall be *ex officio* members thereof, and nine persons appointed by the Lieutenant Governor in Council.

Disqualifi-
cations

14. No person shall be eligible for appointment as a member of the board unless he is a British subject and a resident in the province.

Chairman

15. The members of the board shall annually at their first meeting select a chairman, who shall be one of the appointed members, and he shall hold office until his successor is selected. 1910 (2nd Session), c. 2, s. 24.

Appointment
of vice-
chairman

16. The board may appoint one of its members to be vice-chairman, and in the absence or illness of the chairman, or of there being a vacancy in the office of chairman, the vice-chairman shall act for and have all the powers of the chairman.

(2) In the absence or illness of the chairman and the vice-chairman, the board may appoint one of its members to act as chairman for the time being, and the member so appointed shall act for and have all the powers of the chairman.

(3) All acts which lawfully might have been done by the chairman, when done by the vice-chairman or by a chairman appointed for the time being shall be conclusively deemed to have been lawfully done, and it shall not be necessary to prove that any of the causes mentioned in subsection 1 for the vice-chairman acting or that any of the causes mentioned in subsection 2 for the appointment of a chairman for the time being in fact existed.

17. Unless and until otherwise provided by the board four Quorum members thereof shall be necessary to constitute a quorum.

18. Notwithstanding any vacancy in the board; as long as Six members may exercise powers there are at least six members thereof it shall be competent for the board to exercise all or any of its powers.

19. The appointed members of the board, except as provided Term of office in sections 20 and 25 of this Act, shall hold office for six years.

20. Of the first appointed members of the board, three shall Term of office of first members be appointed to hold office for two years, three for four years, and the remaining three for six years, and all of them until their successors are appointed.

21. The appointed members of the board shall be eligible Members may be re-appointed for re-appointment.

22. The appointed members of the board, and any or either Removal from office of them may be removed from office by the Lieutenant Governor in Council.

23. The head of an affiliated institution or college, a member Heads of affiliated institutions, etc., ineligible of the regular and permanent teaching staff of the university or of an affiliated institution or college shall not be eligible to be appointed as a member of the board.

24. If a member of the board, after his appointment, accepts Vacation of office or occupies any of the offices or positions in the last preceding section mentioned, or goes to reside out of the province, or becomes insane, or otherwise incapable of acting as a member of the board, he shall *ipso facto* vacate his office, and a declaration of the existence of such vacancy entered upon the minutes of the board shall be conclusive evidence thereof.

25. In the case of a vacancy in the board caused by resignation Filling vacancies or otherwise which shall happen before the term of office for which a member has been appointed has expired, the vacancy shall be filled by the appointment by the Lieutenant Governor in Council of a successor to the member who has died, or resigned, or otherwise ceased to be a member, who shall hold office for the remainder of the latter's term of office.

26. Except as herein otherwise provided, the government, Government, etc., of university vested in board conduct, management, and control of the university and of the property, revenues, business and affairs thereof shall be vested in the board.

27. All the powers over, in respect of or in relation to the Residuary powers vested in board university which are not by the terms of this Act directed to be

exercised by any other person or body of persons are hereby, subject to the provisions of this Act, vested in the board.

Powers of
board

28. Without thereby limiting the general powers by this Act conferred upon or vested in the board, it is hereby declared that the board shall have the following powers:

Conduct of
proceedings

1. To make rules and regulations pertaining to the meetings of the board and its transactions, for fixing the quorum of the board, and for the appointment of such committees as it may deem necessary, and for conferring on any of such committees power and authority to act for the board in relation to such matters as the board may deem it expedient to delegate to a committee with power to act for the board.

2. To appoint deans of all the faculties, the librarian, the bursar, the registrar, the professors, teachers and instructors of and in the university, or any of such officers as the board may deem necessary for the proper conduct of the business of the university, together with all such other officers, clerks, employees and servants the board shall so deem necessary, and, subject as hereinafter mentioned to fix the salaries or remuneration of such officers, and to define their duties and their tenure of office or employment, which, unless otherwise provided, shall be during the pleasure of the board:

Proviso

Provided always that no person shall be appointed as a dean of any faculty, or as a member of the teaching staff of the university, or of any faculty thereof, unless he shall have first been nominated for the position to which it is proposed to appoint him by the President of the University:

Proviso

And provided also that no dean of a faculty or member of the teaching staff of the university or of any faculty thereof shall be promoted or removed from office except upon the recommendation of the President of the University, but this proviso shall not apply where there is a vacancy in the office of president:

Proviso

And provided further that the approval of the Lieutenant Governor in Council shall be obtained by the board to the fixing of any salary in excess of three thousand dollars per annum, or to the appointment by the board of any officer, servant or member of the teaching staff for a longer period than five years.

Superannuation
and
retirement

3. With the consent and approval of the Lieutenant Governor in Council to make regulations respecting, and to provide for the retirement and superannuation of any persons mentioned in the last preceding subsection, or the payment of a gratuity to any of them upon retirement, and to provide that any superannuation or retirement allowance or gratuity shall be paid out of a fund which may be created for that purpose either with the moneys of the board or by contributions from the persons aforesaid, or partly by both.

Investments

4. Subject to the limitations imposed by any trust as to the same, to invest all moneys as shall come to the hands of the board and shall not be required to be expended for any purpose to which it lawfully may be applied in such manner as to the board may seem meet.

Acquiring and
holding real
property

5. To purchase and take and hold by gift or devise real property for the purposes of the university, and every person shall have the unrestricted right to devise and bequeath property real

and personal for the purposes of the university to the board or otherwise for such purposes.

6. To purchase and acquire all such property as the board may deem necessary for the purposes of the university, including the power of purchasing the interest of any lessee of any real property vested in the board which is under lease. Acquiring property for University

7. (a) Without the consent of the owner thereof or any person interested therein to enter upon, take, use and appropriate all such real property as the board may deem necessary for the purposes of the university, making due compensation therefor to the owners and occupiers thereof and all persons interested therein. Expropriation of lands

(b) In the event of no mutual agreement as to the amount of compensation being arrived at, within the period of sixty days from the date of the entry upon such property pursuant to the powers herein contained, then the amount of compensation shall be fixed and determined by two arbitrators, one to be appointed by the board and the other by the party or parties owning the land or the interest therein so appropriated. If no agreement, amount of compensation to be fixed by arbitration

(c) The two arbitrators so appointed shall have the power to appoint an umpire, and the provisions of *The Arbitration Act* shall apply to and govern the arbitration. Arbitration Act to apply

8. To acquire, hold, maintain, and keep in proper order and condition such real property as the board may deem necessary for the use of the students of the university for athletic purposes, and to erect and maintain such buildings and structures thereon as it may deem necessary. Acquire and maintain property for athletic purposes

9. To provide such means for the physical examination, instruction and training of the students of the university as to the board may seem meet. Physical training

10. With the approval of the Lieutenant Governor in Council to sell or mortgage any real property vested in the board, subject to the terms of any trust upon which such property is held, and, subject as aforesaid, to lease the same for any period, with such right of renewal, and under and subject to such rents, covenants, agreements and conditions as to the board may seem meet: Selling land leasing lands

Provided, however, that the approval of the Lieutenant Governor in Council shall not be necessary in the case of any lease for a period of five years or less.

11. To lay out and expend such sums as the board may deem necessary for the support and maintenance of the university, and for the betterment of existing buildings, and the erection of such new buildings as the board may deem necessary for the purposes of the university, and for the furnishing and equipment of such existing and newly erected buildings. Maintenance and improvement of buildings

12. To lay out and expend such sums as the board may deem necessary for the erection, equipment, furnishing and maintenance of residences and dining halls for the use of the students of the university whether such students be graduates or undergraduates, and to make such regulations as may to the board seem meet for the management, government and control of such residences and dining halls. Residences and dining halls

13. To fix and determine the fees to be paid by undergraduates and graduates of the university for instruction therein or in the faculties thereof, including library fees, laboratory fees, gymnasium fees, fees for physical instruction and examination, and fees for examinations, degrees and certificates, and when Fees

an affiliated institution or college, by arrangement with the senate, teaches any part of the course covered by the university calendar, to make such a reduction in the fees payable by the student so taught in such institution or college as may to the board seem reasonable.

Arrangements
with secondary
and primary
schools

14. To enter into such arrangements with the governing body of any secondary or primary school as the board may deem necessary for the purposes of or in connection with the academic work of the university or of any faculty or department thereof, and the governing body of any such secondary or primary school shall have authority with the approval of the Lieutenant Governor in Council to make such arrangements with the board.

15. To establish such faculties, departments, chairs or courses of instruction as the board shall determine:

Provided, however, that no new faculty shall be established in the university, nor shall any new department or chair or course of instruction be provided for therein by the board without the approval first obtained of the senate, but in the event of the senate refusing to approve of a recommendation of the board providing for the establishment of any new faculty, department, chair, or course of instruction, the board may by resolution refer the question of the establishment of such new faculty, department, chair or course of instruction to the Lieutenant Governor in Council for his decision, and the decision of the Lieutenant Governor in Council thereon shall be final.

Expenditure
beyond
annual income

29. The board shall not incur any liability or make any expenditure for the purchase of land or the erection of buildings, or for any other purpose, unless the same can be met and shall be provided for out of the annual income of the year, or shall be sanctioned by the Lieutenant Governor in Council.

Action of
board by
resolution

30. Save as in this Act otherwise expressly provided, the action of the board in any matter with which it may deal shall be by resolution or by regulation as the board may determine, but it shall not be essential to the validity of any resolution or regulation that it shall be under the corporate seal of the board if it be authenticated in the manner prescribed by the board.

Audit of
accounts of
board

31. The accounts of the board shall be audited at least once a year by the Provincial Auditor, or by some person appointed by the Lieutenant Governor in Council for that purpose.

Annual
report to
government

(2) The board shall make an annual report of its transactions to the Lieutenant Governor in Council, in which shall be set forth in detail the receipts and expenses for the year ending on the next preceding thirty-first day of December, and of the investments as they stood at the end of such year, and such other particulars as the Lieutenant Governor in Council may from time to time require. 1914, c. 2, s. 16.

When report
to be
transmitted

(3) Such report shall be transmitted to the Minister of Education on or before the first day of February next after the close of the year for which it is made, and shall be laid before the Legislative Assembly within the first ten days of its next session. 1914, c. 2, s. 16.

32. No action shall be brought against the board or against any member thereof on account of anything done or omitted by him in the execution of his office without the written consent of the Attorney General for Alberta. Consent of Attorney General to actions against the board

33. If any question shall arise as to the powers and duties of the Senate of the University, of the president, or of any dean, or of any other officer or servant of the university, or of any council or faculty thereof, not definitely provided for in this Act, the same shall be settled and determined by the board, whose decision shall be final. Questions of jurisdiction to be settled by board

THE SENATE.

34. The Senate of the University shall be composed as follows: Senate: How composed

1. The Chancellor of the University, the Chairman of the Board, the President of the University, the President or other head of every affiliated college other than preparatory schools, the deans of the faculties of the university, all persons who at any time have occupied the office of Chancellor or Vice-Chancellor of the University, the Principal of the Provincial Normal School, or the senior principal should there be more than one Provincial Normal School, and the Superintendent of Education for the province, or, until such an officer is appointed, the Deputy Minister of Education of the province, shall be *ex officio* members.

2. The faculties shall be represented by the deans of the faculties respectively and one member to be chosen by the faculty councils respectively from amongst themselves; but when any faculty council has a membership greater than ten such faculty shall be entitled to one additional representative for each additional ten thereof or part of ten greater than five, to be chosen by the members of the council of such faculty from amongst themselves. Faculty representation

3. One member appointed by the governing body of every society or association incorporated by the Legislature of the province whose examinations for status therein are, whether by arrangement or by virtue of statutory provision, conducted by the university. Representation of incorporated associations

4. Ten members elected by convocation in the manner hereinafter mentioned. Representation of graduates

35. Members of the regular and permanent teaching staff of the university or of affiliated institutions or colleges shall not be eligible for election by convocation. Members of teaching staffs not to be elected

36. No person shall be eligible for election as chancellor or for election or appointment as a member of the senate unless he is a British subject and a resident of the province, but this shall not apply to the representatives of the faculties on the senate. Disqualifications

37. Of the members of the senate first elected by convocation the five who receive the highest number of votes shall hold office for four years, and the five who receive the next highest number of votes shall hold office for two years next following their election, and the appointed members of the senate shall hold office for four years next following their appointment, and in each case until their respective successors are elected or appointed. Tenure of office of senate

38. If an elected or appointed member of the senate resigns, goes to reside out of the province, becomes insane, or incapable of acting, or becomes a member of the teaching staff of any affiliated institution or college not being the body which he has been appointed to represent, his seat shall *ipso facto* become vacant, and a declaration of the existence of any vacancy entered upon the minutes of the senate shall be conclusive evidence thereof.

Filling
vacancies in
senate

39. If any vacancy shall occur from any cause the same shall be filled in the case of an appointed member by the body possessing the power of appointment; and in the case of an elected member by the senate, and the person appointed or elected to fill such vacancy shall hold office for the remainder of the term of office of the member whose seat has become vacant.

Disputes as
to any
election or
right to sit

40. If any question shall arise touching the election of the chancellor or of any elected member of the senate, or the right of any person to be or sit or act as chancellor or as a member of the senate, the same shall not be raised or determined in or by any action or proceeding in any court, but shall be determined by the senate, whose decision shall be final.

Powers and
duties of
Senate

Regulate
proceedings

41. The senate shall have the following powers and perform the following duties, namely:

1. To provide for the regulation and conduct of its proceedings, including the determination of the quorum necessary for the transaction of business;

Degrees

2. To provide for the granting of and to grant degrees, including honorary degrees and certificates of proficiency;

Exhibitions,
etc.

3. To provide for the establishment of exhibitions, scholarships and prizes;

Cancelling
and suspending
degrees

4. To provide for the cancellation, recall and suspension of a degree whether heretofore or hereafter granted or conferred on any graduate of the university or graduate *ad eundem statum* of the university who has heretofore been or shall hereafter be convicted either in the province or elsewhere of an offence which if committed in Canada would be an indictable offence, or who has been or shall be hereafter guilty of any infamous or disgraceful conduct or of conduct unbecoming a graduate of the university; for erasing the name of such graduate from the roll or register of graduates, and for requiring the surrender for cancellation of the diploma, certificate or other instrument evidencing the right of such graduate to the degree of which he shall have been deprived under the authority of any regulation, provided such diploma, certificate or other instrument has been issued by or under the authority of the university, or of the Senate of the University; and for providing the mode of inquiring into and determining as to the guilt of such graduate, and the procedure generally in respect of any of the said matters; and for the purpose of making such inquiry the senate and the committees thereof shall have all the powers which are by the *Act respecting Inquiries Concerning Public Matters* conferred upon commissioners under the provisions of such Act;

8 Edward
VII, c. 2

Scrutineers
at elections

5. To appoint scrutineers for the counting of votes for the election of chancellor and for the elected members of the senate;

6. To consider and to determine on the report of the respective faculty councils as to the course of study in all the faculties; Consider reports of faculty councils
7. To consider and determine as to all courses of study to which the last preceding section does not apply; Course of study
8. To consider and to determine on the report of the respective faculty councils as to the appointment of examiners, and the conduct and the results of the examinations in all the faculties; Examiners and examinations
9. To provide for the appointment of a University Board of Examiners and for the conduct of all university examinations other than examinations held in the faculties of the university separately, and for the determining of the results of such examinations; University examiners and examinations
10. To hear and determine appeals from decisions of the faculty councils upon applications by memorials by students and others; Appeals from faculty councils
11. To consider all such matters as shall be reported to it by the council of any faculty, and to communicate its opinion or action thereon to the said faculty council; Reports from faculty councils
12. To provide for the preparation and publication of the university calendars and for the calendars of such affiliated institutions or colleges as desire their calendars to be inserted in the university calendar; Calendars
13. To determine the date for the beginning and ending of lectures in the university and also the beginning and ending of each university term;
14. To make rules and regulations for the management and conduct of the library and to prescribe the duties of the librarian; Library and Librarian
15. Subject as herein otherwise provided, to establish such faculties, departments, chairs and courses of instruction in the university, in any subject as to the senate may seem meet; Establish faculties, departments, etc.
16. To provide for the affiliation with the university of any institution or college established in the province for the promotion of any useful branch or branches of knowledge and to fix the terms of such affiliation which terms may include the right of such institution or college to present students for the examination leading to degrees in the university, and on the passing of such examinations, as the university may require, by students so presented, they shall be entitled to receive degrees from the university; 1913 (1st Session), c. 9, s. 29. Affiliation of colleges
17. To provide for the dissolution of any such affiliation or for the modification or altering of the terms thereof; Dissolution of affiliation
18. To make provision for enabling the students of the university and of the affiliated institutions and colleges to appoint a representative committee of themselves, to be chosen in such manner as shall be approved by the senate, and which shall be the recognized official medium of communication on behalf of such students between them and the senate, and which shall have the right to make communications through the president of the university to the senate upon any subject in which they are or may deem themselves to be interested; and to give to such committee such powers of government with respect to the conduct of the students it represents as to the senate shall seem meet, but always subject to the control of the board, senate, president, and deans of faculties as in this Act set out; Committees of students
- Provided always that nothing herein contained shall take away or impair the right of any student of or in the university to make complaint to the governing bodies thereof in respect

to any matter as to which he is or may deem himself to be entitled to complain, but every such complaint shall be transmitted through the president to the proper governing body and in no other manner whatsoever:

Proviso

And provided further that nothing in this section contained shall be construed or is intended to or shall impair or affect the right of control which any affiliated institution or college possesses over its students;

Disciplinary powers

19. To exercise disciplinary jurisdiction with respect to the students in attendance at the university; or to delegate its authority in any particular case or by any general regulation to any person or body of persons or council or other governing body of the institution or college or faculty to which the student belongs; and disciplinary jurisdiction shall include the power to impose fines;

Election of vice-chancellor

20. To elect a vice-chancellor of the university from among themselves in such manner as the senate shall determine;

Power to make arrangements with Law Society, etc., for conduct of examinations

21. The senate shall have power to arrange with the Law Society of Alberta, the College of Physicians and Surgeons of the Province of Alberta, the Alberta Dental Association, the Alberta Association of Architects, the Veterinary Association of Alberta, and any other incorporated society or association heretofore or hereafter established in the province with power to prescribe examinations for candidates and others applying for registration upon the roll of or admission to such societies or associations respectively, for conducting such examinations and appointing examiners therefor and for reporting the results thereof to the governing body of such societies and associations respectively; and such societies and associations or any of them shall have power to enter into any such arrangements.

Extension courses

22. The senate shall have power to authorize and conduct courses of instruction in any of the branches of learning taught in the university or such other branches of learning as may be deemed advisable by the senate in any place or places within the province.

No new faculties, etc., to be established without approval of board

42. No new faculties shall be established in the university, nor shall any new department or chair or course of instruction be provided for therein by the senate without the approval first obtained of the board, but in the event of the board refusing to approve of a recommendation of the senate providing for the establishment of any new faculty, department, chair or course of instruction, the senate may by resolution refer the question of the establishment of such new faculty, department, chair or course of instruction to the Lieutenant Governor in Council for his decision, and the decision of the Lieutenant Governor in Council thereon shall be final.

43. A certified copy of every rule, regulation, resolution, or other enactment of the senate providing for any of the matters or things mentioned in section 41 and therein numbered 3, 12, 16, 17, 21 and 22, shall within ten days after the passing thereof be transmitted to the board, and no such rule, regulation, resolution or enactment shall have force or effect until it has been approved by the board.

44. Convocation shall consist of all the graduates of the university and of all persons who have been registered heretofore as members of convocation. Convocation
How composed

Convocation shall have power—

1. To make regulations for governing its proceedings and the mode of conducting the same, and keeping records thereof; Regulations
as to
proceedings
2. To appoint a clerk of convocation, and to prescribe his duties; Appointment
and duties
of clerk
3. To consider all questions affecting the well-being of the university and to make representations thereon to the board and to the senate. Representations
to board and
senate

45. In the absence of the chancellor, the vice-chancellor shall preside at meetings of convocation, and in the absence of both the chancellor and vice-chancellor, convocation shall have power to elect a presiding officer for any meeting thereof. Vice-chancellor
to preside in
absence of
chancellor

46. Convocation shall meet yearly at the time fixed by the senate for the granting of degrees, and at such other times as the senate may deem necessary; and it shall be the duty of the board to provide a suitable place for its meetings. Meetings of
convocation

47. If at least fifteen members of convocation by writing under their hands setting forth the objects thereof, require the chancellor to convene a special meeting of convocation, it shall be the duty of the chancellor to call the same without unnecessary delay. Calling of
special
meetings

48. No matter shall be considered at any such meeting except that for the consideration of which the same shall have been called. Special
meeting to
be confined to
object

49. Notice of all meetings shall be given in such manner as may be prescribed by convocation by regulation in that behalf, and, in the absence of such regulation, as may be directed by convocation. Notice of
meetings

50. A true copy of the minutes of the proceedings of every meeting of convocation shall be transmitted without necessary delay to the board and to the senate. Minutes to
be sent

51. All questions shall be decided by the vote of the majority of the members present. Majority vote
to decide

52. The chairman or presiding officer shall be entitled to vote as a member of convocation, and any question upon which there is an equality of votes shall be taken to be negatived. Chairman
may vote as
member

53. No question shall be decided at any meeting unless at least fifteen members are present. Quorum

CHANCELLOR.

54. There shall be a chancellor of the university who shall be elected by the graduates thereof at the time and in the manner hereinafter mentioned. Chancellor

Chancellor
to be chairman
of convocation

55. The chancellor shall be the chairman of convocation.

Vice-chancellor
to be
chairman in
absence of
chancellor

56. In the absence or illness of the chancellor the vice-chancellor shall be chairman of convocation.

By whom
degrees are
to be conferred

57. All degrees shall be conferred by the chancellor or in case of his absence or illness, or of there being a vacancy in the office of chancellor, by the vice-chancellor, or, in the case of the absence of both of them or of both offices being vacant, by the president of the university, or, in the absence or illness of any of these parties or of their respective offices being vacant, by some member of the faculty of the university to be appointed for the purpose by the senate.

Term of office
of chancellor

58. The chancellor shall hold office for four years and until his successor is chosen.

Term of office
of vice-
chancellor

59. The vice-chancellor shall hold office for four years, and until his successor is chosen.

Vacancy in
office of
chancellor and
vice-chancellor

60. If the chancellor or vice-chancellor dies, goes to reside out of the province, or becomes insane or otherwise incapable of acting, he shall *ipso facto* vacate his office, and a declaration of the existence of such vacancy by the senate entered upon its minutes shall be conclusive evidence thereof.

Filling
vacancies

61. In the case of a vacancy in the office of chancellor, caused by death, resignation or otherwise, before the term of office for which the chancellor was elected has expired, the vice-chancellor shall *ipso facto* become and be the chancellor of the university for the remainder of the period for which the chancellor was elected, and in such case the senate shall appoint one of its members to the office of vice-chancellor so left vacant at a special meeting thereof called for the purpose, of which at least thirty days' notice shall be given; and the person so appointed to the office of vice-chancellor shall hold office for the remainder of the term for which the vice-chancellor shall have been elected.

FACULTY COUNCILS.

Faculty
councils

62. There shall be a faculty council for each faculty in the university.

Composition of
faculty
councils

63. Each faculty council shall consist of the President of the University, the dean of the faculty, the professors and associate professors and such other members of the teaching staff of the faculty as the board shall determine.

Powers and
duties of
councils

Regulating
procedure

Courses of
study

64. The powers and duties of the faculty councils shall be—

1. To fix the times and places of the meetings of the councils respectively and to make rules and regulations for governing their proceedings respectively, including the determination of the quorum necessary for the transaction of business;

2. Subject to the approval of the senate, to fix and determine the course of study in arts and science and in any other branch of learning for instruction in which a faculty is established;

3. Subject to the approval of and confirmation by the senate, to appoint the examiners for and to conduct the examinations in their respective faculties, and to determine the results of such examinations; Examiners and examinations

4. To deal with, and, subject to an appeal to the senate, to decide upon all applications and memorials by students and others in connection with the said faculties respectively; Applications and memorials by students

5. To consider and to report to the senate upon such matters affecting the said faculties respectively as to the council may seem meet; Report to senate

6. To fix and determine the time-tables for the lectures and other instruction in the faculties respectively. Time-tables for lectures, etc.

65. The faculty councils shall also have power to authorize such lecturing and teaching in the university under the auspices of any of the faculties respectively, by others than duly appointed members of the teaching staff thereof, and to prevent all lecturing and teaching not so authorized. Authorizing lecturing and teaching

THE PRESIDENT.

66. There shall be a president of the university, who shall be the chief executive officer thereof, and shall have the general supervision over, and direction of the academic work of the university, and of the teaching staff thereof, including the deans of all faculties, and of the officers and servants employed in or in connection with such work, including the registrar and librarian of the university, and shall also have such other powers and perform such other duties as from time to time may be conferred upon or assigned to him by the board. President of the University

(2) He shall be a member of all faculty councils, and shall be *ex officio* chairman of the same. Be a member of all faculties

(3) He shall have power to suspend any member of the teaching staff of the university and any officer and servant mentioned in subsection 1, and when he shall exercise such powers he shall forthwith report his action to the board, with a statement of his reasons therefor. Suspending members of staff

(4) He shall make recommendations to the board as to all appointments to and all promotions in and removals from the teaching staff of the university, and of the officers and servants mentioned in subsection 1. Recommendations to board as to appointments, etc.

(5) He shall have the right to summon meetings of any faculty council whenever he may deem it necessary to do so, and to take the chair at any meeting thereof at which he may be present. Summoning meetings of faculty councils

(6) He may also at his discretion convene joint meetings of all the faculty councils, or of any two or more of them. Convening joint meetings of councils

(7) He shall report annually to the board and the senate upon the progress and efficiency of the academic work of the university, and as to the progress and requirements, and make such recommendations thereon as he may deem necessary; and he shall also report upon any matter which may be referred to him by the board or by the senate. Reports to board and senate

(8) The enumeration of the express powers herein mentioned shall not be taken to limit the general powers conferred by subsection 1. Mention of express powers not to limit general powers

President may
appoint a
substitute
in case of
absence or
illness

67. In the case of the absence or illness of the president he may appoint a member of any faculty council to act in his stead; and if there is a vacancy in the office of president, or if no appointment is made, the board may appoint a member of any faculty council to act for the time being; and failing an appointment and until it is made, the Dean of the Faculty of Arts and Sciences shall act as president for the time being.

Powers of
acting
president

68. The person acting pursuant to any such appointment as is mentioned in the last preceding paragraph shall have and may exercise all the powers, and shall perform all the duties of the president, other than those as to appointments, promotions and removals, unless he shall be requested by the board to exercise the last mentioned powers.

DEANS OF FACULTIES.

Deans of
faculties

69. When the board shall consider that occasion has arisen for the appointment of a dean of each or any of the faculties of the university, the board shall appoint such officer, and he shall be the chief executive officer of the faculty of which he is appointed dean, and shall, subject to the control of the president as hereinbefore provided, have general supervision over and direction of the academic work and the teaching staff thereof, and of the officers and servants employed in or in connection with such work, and shall also have such other powers and perform such other duties as from time to time may be assigned to him by the board.

Dean shall
keep faculty
records

(2) The dean of the faculty when so appointed shall keep the minutes of the faculty council, and shall summon all meetings of the same, and he shall keep the records of the faculty of which he is appointed dean.

Absence or
vacancy in
the office
of dean

(3) In case of the absence or illness of the dean of any faculty, the president may appoint a member of the teaching staff of such faculty to act for the dean, and failing an appointment or until it is made by him, or, if there be a vacancy in the office of dean of any faculty, the senior member of the teaching staff thereof shall act as the dean for the time being.

REGISTRAR.

Registrar of
University

70. There shall be a registrar for the university who shall be appointed by the board, and who shall have such powers and perform such duties as from time to time may be assigned to him by the board, or by the president, as hereinbefore provided.

ELECTIONS.

First election
of chancellor
and members
of senate

71. The first election under this Act of the chancellor and of the elective members of the senate shall take place and be held at a date to be fixed by the board not later than three months after the passing of this Act, and any subsequent elections under this Act shall be held at a date to be fixed by the board, which date shall not be later than three months after the expiration of the term of office of the person or persons previously elected and all persons so elected shall take office forthwith after their

election, and until their successors shall have been elected the said elective members of the senate shall continue to hold office.

(2) The date fixed by the board for the holding of the first or any election under this Act shall be published in *The Alberta Gazette* as soon as it conveniently may be published after it is fixed.

Publication
of date in
Alberta
Gazette

72. Any three members of convocation may nominate a candidate for the office of chancellor or for the office of member of the senate, and the nomination paper or papers shall be sent to the registrar at least one month before the date fixed for the election.

Nomination of
chancellor and
members of
senate

73. In the event of only one candidate being nominated for chancellor, or only so many candidates being nominated for the senate as are required to be elected, such candidate or candidates shall be deemed to have been elected, and in such case no voting papers shall be required to be sent out.

When only
requisite
number
nominated

74. In case a poll is necessary, the registrar shall send to each member of convocation where his residence is known, a list of the candidates duly nominated, arranged in alphabetical order, accompanied by one copy of the form of voting paper in the schedule to this Act, and such list and form shall be sent in such manner and at such time before the date of such election as may be directed by the board.

Voting papers
to be sent by,
registrar

75. The votes at any election by convocation shall be given for the chancellor and for the members of the senate respectively by voting papers in the form in the schedule to this Act, or to the like effect, being delivered to the registrar of the university at such time and place as may be prescribed by the board.

Manner of
election

76. Any voting papers received by post on or prior to the date of such election shall be deemed to be delivered for the purpose of such election.

Voting papers
posted

77. Two persons to be appointed by the senate for that purpose shall be the scrutineers, but if the senate does not at least two weeks previous to the time fixed for the counting of the votes appoint the scrutineers it shall be the duty of the president to make such appointment.

Scrutineers

78. The voting papers shall upon the day following the date of election, at an hour to be fixed by the board, or, if no hour is so fixed, then at 10 o'clock in the forenoon of the said day, be opened by the registrar of the university in the presence of such members of convocation as may desire to be present, and the registrar shall examine and count the votes and keep a record thereof in a proper book to be provided by the board.

Opening and
counting
votes

79. If more than one name appears upon a voting paper for chancellor the vote shall be invalid and shall not be counted, and if more names than the number to be elected appear on the voting paper for members of the senate the votes shall be counted as votes for the persons whose names appear thereon in consecutive order beginning with the first until the required number is reached,

When voter
gives more
votes than
entitled to

and all other votes thereon shall be invalid and shall not be counted, but a voter shall be at liberty to vote for any number of candidates not exceeding the number to be elected.

Declaration
of result

80. Upon the completion of the counting of the votes, the registrar and the scrutineers shall declare the result of the election setting forth the number of votes cast for each person who has been nominated, and shall without delay report the same in writing under their hands to the board and senate.

Senate to
have casting
vote

81. In case of an equality of votes given for two or more persons for chancellor or for a member or members of the senate which leaves the election undecided the senate shall at its next meeting give the casting vote or votes necessary to decide it.

82. The board shall have power to make any necessary regulations, not inconsistent with this Act, for the conduct of any election to be held under this Act.

If election not
held as
provided

(2) If from any cause any election provided for by this Act shall not be held as hereinbefore provided, the board shall make provision for holding the same and fix the dates for the nominations and other proceedings for taking, counting and recording the votes thereat, and declaring the result thereof, and such proceedings shall as far as may be practicable be made conformable with those provided by this Act.

GRANT OF PORTION OF SUCCESSION DUTIES.

Grant of
portion of
succession
duties

83. In addition to such sums as may be appropriated by the Legislature for the purposes of the university, there shall be paid annually to the board a sum equal to fifty per centum of the net receipts of the province for the current year under *The Succession Duty Ordinance*, or any Act passed in substitution therefor or amendment thereof.

Time of
payment

(2) Such percentage shall be paid to the board at such time, either during the current year or early in the following year, as the Lieutenant Governor in Council shall decide.

VISITOR.

Lieutenant
Governor to be
visitor

84. The Lieutenant Governor of the province shall be the Visitor of the University, with authority to do all those acts which pertain to visitors as to him shall seem meet.

BORROWING POWERS.

Borrowing
powers to
meet current
expenses

85. The board may borrow from any person, bank or corporation such sum of money as may be required to meet the expenses of the university, until such time as the revenues for the current year are available, and such loans shall be repaid out of and shall be a first charge upon such revenues, and may be secured by the promissory note or notes of the chairman and registrar given on behalf of the board, or in such other manner as the board may arrange.

86. In the event of it being necessary for the board to secure a loan for the purpose of purchasing or otherwise acquiring any real property for the uses of the university, or for the purpose of erecting, repairing, adding to, furnishing or equipping any buildings thereof, the board may, with the approval of the Lieutenant Governor in Council, issue bonds, debentures, debenture stock, or securities of a like nature, either secured by pledge or mortgage of any property or assets vested in the board for the purposes of the university, or upon any portions thereof, or not so secured, and the board may make and enter into any agreement that may be necessary for carrying out the purposes of this section, and make and execute all such agreements, deeds and other instruments as may be deemed necessary to carry into effect the provisions of any such agreement.

87. It shall be lawful for the Lieutenant Governor in Council, for and in the name of the province, to guarantee the securities which shall be given by the board for any sums borrowed by it under the authority of this Act, and the performance by the board of the stipulations on its part contained in the securities.

88. The form and manner of the government guarantee shall be determined by the Lieutenant Governor in Council, and the guarantee shall be signed by the Provincial Treasurer or by such officer or person as shall be designated for that purpose by the Lieutenant Governor in Council, and, upon being so signed, such guarantee shall be binding on the province, and the purchaser of any securities so guaranteed shall not be bound to inquire into the authority of the officer or person signing the guarantee thereof.

GENERAL.

89. The senate shall make all provision for the education of women in the university in such manner as it shall deem most fitting, provided however that no women shall by reason of her sex be deprived of any advantage or privilege accorded to male students of the university.

89a. It shall be the duty of every public officer having in charge the body of any deceased person that would require to be buried at the public expense, and also of every hospital, every penal or corrective institution and every eleemosynary or public institution supported by or receiving financial aid from the province, upon demand to hand over to the university or to such officers as it may appoint for such purposes the bodies of deceased inmates of such institutions not claimed by the immediate relatives or legal representatives of the deceased, and the university shall keep a careful record of each such body so received by it and shall be at liberty to use such bodies for anatomical purposes and for scientific instruction and research. 1913 (2nd Session), c. 2, s. 21.

90. Chapter 42 of the Statutes 1906, and section 22 of chapter 5 of the Statutes 1907 are repealed.

FORM OF VOTING PAPER.

I....., resident at.....
in the.....do hereby declare:
1. That I am a member of convocation of the University of Alberta;
2. That the signature affixed hereto is my proper handwriting;
3. That I have not at this election signed any other voting paper as a
member of convocation;
4. That I vote for the following person to be Chancellor of the said
University:
.....of.....
5. That I vote for the following persons to be members of the Senate of
the said University:
.....of.....
.....of.....
etc.
Witness my hand this.....day of.....
19.....

1910
(SECOND SESSION)

CHAPTER 8.

An Act respecting Truancy and Compulsory School Attendance.

(Assented to December 16, 1910.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Truancy Act.*"

2. In this Act—

- (a) "Inspector" shall mean an Inspector of Schools;
- (b) "Principal" shall mean the head teacher of a public or separate school; 1913 (2), c. 16, s. 3.
- (c) "Regulations" shall mean regulations made under the authority of the Department of Education;
- (d) "School" shall mean a public or a separate school; 1913 (2), c. 16, s. 3.
- (e) "City or town school district" shall mean and include a town school district as defined by *The School Ordinance*;
- (f) "Minister" shall mean the Minister of Education for the Province of Alberta.

3. Every child who has attained the age of seven years and who has not yet attained the full age of fifteen years shall attend school for the full term during which the school of the district in which he resides is open each year, unless excused for the reasons hereinafter mentioned. 1915, c. 10, s. 3.

4. A person who has received into his house another person's child under the age of fifteen who is a resident with him or is in his care or legal custody, shall be subject to the same duty with respect to the instruction of such child during such residence as a parent and shall be liable to be proceeded against as in the case of a parent, if he fails to cause such child to be instructed as required by this Act; but the duty of the parent under this Act shall not be thereby affected or diminished. 1915, c. 10, s. 3.

5. A parent, guardian or other person shall not be liable to any penalty imposed by this Act in respect of a child if—

- (a) In the opinion of a school inspector, as certified in writing, bearing date within one year prior to the date of any complaint laid under this Act, the child is under efficient instruction at home or elsewhere; 1913 (2), c. 16, s. 3.
- (b) The child is unable to attend school by reason of sickness or other unavoidable cause;

- (c) There is no public or separate school which the child has the right to attend within two and one-half miles, measured from the nearest point of the quarter section or lesser parcel of land upon which the child resides by the nearest highway from such child's residence, if the is under ten years of age, or within three and one-half miles if he is over that age; 1913 (2) c. 16, s. 3.
- (d) There is not sufficient accommodation in the school which the child has a right to attend; or
- (e) The child has passed the public school leaving examination prescribed by the Department of Education or has completed a course which gives him an equivalent standing; 1911-12, c. 4, s. 38; 1913, c. 16, s. 3 (2).
- (f) The child has attained the full age of fourteen years and is regularly employed during school hours in some useful occupation. 1915. c. 10, s. 3.
- (g) (*Repealed*—1913 (2) c. 16, s. 3.)

6. No child under the full age of fourteen years who has not a valid excuse under this Act shall be employed by any person during school hours while the public school of the district in which the child resides is in session, and any person who employs a child in contravention of this section shall incur a penalty not exceeding twenty dollars for each offence.

(2) Where in the opinion of a justice of the peace, police magistrate or principal of the school attended by any child the services of such child are required in husbandry or in urgent and necessary household duties, or for the necessary maintenance of such child or of some person dependent upon him, such justice, police magistrate or principal may by certificate setting forth the reasons therefor relieve such child from attending school for any period not exceeding six weeks during each public school term.

7. The school board of every city or town school district shall appoint, control and pay one or more truant officers for the enforcement of this Act and notice of such appointment shall be forthwith given in writing to the Department of Education.

(2) The Minister may from time to time appoint such truant officer or officers as may be required for the enforcement of this Act in districts that are not included within any city or town school district and may provide for the remuneration of such truant officer or officers either by the school districts affected or by the Department of Education as the Minister in his discretion may see fit, and may make such rules not inconsistent with the provisions of this Act for the direction of such truant officer or officers, and the enforcement of this Act. The Minister may also appoint officers to be known as provincial truant officers, and a chief truant officer, all of whom shall have jurisdiction in all parts of the province and the duties of such truant officers may be defined and their remuneration fixed by the Minister. 1911-12, c. 4, s. 38; 1913 (2) c. 16, s. 3.

(3) In the event of no appointment having been made as provided by subsection (1) of section 7 hereof before the first day of February in any year, the Minister may appoint such truant officer or officers as he may deem necessary and fix the remuneration which shall be paid by the school district affected

and notice of such appointment shall be given in writing to the school board.

(4) A truant officer shall for the purposes of this Act be vested with the powers of a peace officer, and shall have authority to enter theatres, playhouses, places of public entertainment and amusement, factories, workshops, stores, shops and all other places where children may be employed or congregated and to perform such duties as may be necessary for the enforcement of this Act.

(5) The board making the appointment may make rules, not inconsistent with the provisions of the Act or with the regulations, for the direction of the truant officer or officers and the enforcement of the Act, such rules to be subject to the approval of the Minister.

(6) In the event of any board failing to make rules and to submit the same to the Minister for approval as provided in the next preceding subsection, the Minister may make such rules as he may deem necessary, and the same shall have the same force and effect as if made by the board.

(7) Notice of every appointment made under this Act shall be given by the body making such appointment to the inspector within whose inspectorate the truant officer has jurisdiction.

(8) Every truant officer shall report monthly to the body appointing him and annually to the Minister of Education according to the forms prescribed by the regulations.

(9) Every inspector shall inquire into the conditions existing in all districts under his supervision not included within any city or town school district, with respect to the observance of the provisions of this Act and he shall report to the Minister from time to time as the latter may direct. 1911-12, c. 4, s. 38.

8. It shall be the duty of every truant officer to enforce the provisions of this Act, to examine into all cases of truancy within his knowledge or which may come to his attention and to warn one of the parents or the guardian of any truant or truants by notice in writing in form provided in schedule A to this Act or to like effect. 1913 (2) c. 16, s. 3.

(2) A truant officer appointed under this Act shall have the right to send a child suspected of truancy either home or to school and to accompany him thereto if deemed necessary.

(3) The notice provided for in this section may be served by registered letter, postpaid, delivered at any post office and addressed to the party at the post office situated nearest to his or her place of residence, and the production of the registration receipt from the post office where such letter was registered and proof of the posting of the same and the contents thereof shall be *prima facie* evidence that such notice was duly received by the party to whom the same was addressed within four days after the posting and registration of the same. 1914, c. 13, s. 3.

9. Any parent, guardian or other person having the charge or control of any person between the ages mentioned in section 3 of this Act, who within five days after having been notified as provided in the preceding section neglects or refuses to cause such child to attend school and continue in regular attendance thereat

unless such child be excused from attendance as provided by this Act shall upon summary conviction be subject to a penalty not exceeding \$10.00 and in default to imprisonment for a term not exceeding ten days. 1911-12, c. 4, s. 38; 1913 (2), c. 16, s. 3.

(2) The justice of the peace or police magistrate trying a complaint under this section may instead of imposing a penalty require a person convicted of an offence under this section to give a bond in the penal sum of one hundred dollars, with one or more sureties to be approved by him conditioned that the person convicted shall after the expiration of five days cause the child to attend some school as required by this Act.

10. Every truant officer shall institute, or cause to be instituted proceedings against a parent, guardian or other person having charge or control of a child, or against any other person violating any of the provisions of this Act.

11. The teacher or the principal of every public or separate school shall once in each week of the school year report to the truant officer of the city, town or district in which the school is situated, the names, ages and residences of all pupils on the school register who have not attended school as required by this Act together with such other information as the truant officer may require for enforcing the provisions of this Act.

(2) The teacher or principal, as the case may be, shall also forthwith report to the truant officer every case of expulsion.

12. Every person and officer charged with the duty of enforcing any provision of this Act who neglects to perform the duty imposed upon him shall incur a penalty not exceeding ten dollars for each offence.

13. The penalties imposed by this Act shall be recoverable on summary conviction before a justice of the peace or a police magistrate.

14. The provisions of part XV of chapter 146 of the Revised Statutes of Canada, 1906 (known as *The Criminal Code*), in reference to summary conviction, shall be applicable to all proceedings under this Act.

15. (*Repealed*—1913 (2), c. 16, s. 3.)

16. Where a person is charged with an offence under this Act in respect to a child who is alleged to be within the ages mentioned in section 3 of this Act and the child appears to the court to be within such ages the child shall for the purposes of this Act be deemed to be within such ages unless the contrary is proved.

17. Nothing in this Act shall be held to require the child of a separate school supporter to attend a public school or to require the child of a public school supporter to attend a separate school. 1913 (2), c. 16, s. 3.

(2) No penalty shall be imposed in respect to the absence of a child from school on a day regarded as a holy day by the church or religious denomination to which such child belongs.

18. This Act shall come into effect on January 1st, 1911.

SCHEDULE A.

Take notice that unless within five days from the receipt by you of this notice you cause your child (or ward) (*childs' name*), to attend school, you will be liable to prosecution under *The Truancy Act* of the Province of Alberta. 1913 (2), c. 16, s. 3.

1910
(SECOND SESSION)

CHAPTER 9.

An Act respecting the Bonds Guaranteed for the Alberta and Great Waterways Railway Company, being an Act to specify certain defaults of the Railway and the Consequent Rights of the Province.

(Assented to December 16, 1910.)

WHEREAS The Alberta and Great Waterways Railway Company heretofore applied to the Legislature of the Province of Alberta to guarantee its bonds, and

Whereas the Legislature of the Province of Alberta did by an Act passed in the year 1909, chapter 16, and intituled *An Act to provide for an Issue of Guaranteed Securities of The Alberta and Great Waterways Railway Company*. (assented to February 25th, 1909), authorized the guarantee by the province of the bonds of the Alberta and Great Waterways Railway Company to the extent of seven million four hundred thousand dollars (\$7,400,000.00), and

Whereas bonds of the railway to the amount of seven million four hundred thousand dollars (\$7,400,000.00), have been executed by the said company secured by a mortgage in favour of The Standard Trusts Company payment of which bonds the Province of Alberta has guaranteed, and

Whereas the bonds hereinbefore referred to have been sold but the said company has made default in payment of interest thereon and the Province of Alberta has paid the said interest so in default, and

Whereas the said company has made default in the construction of its line, and

Whereas certain proceeds of the said bonds (viz., to the amount of their par value together with accrued interest) are now lying to the credit of the Provincial Treasurer or otherwise in certain banks as follows:

In the Royal Bank of Canada, \$6, 000,000.00 and interest;

In the Union Bank of Canada, \$1,000,000.00 and interest;

In the Dominion Bank, \$400,000.00 and interest;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Province of Alberta hereby ratifies and confirms the guarantee by it of the said bonds and the Treasurer of Alberta is hereby empowered and instructed to execute a guarantee on behalf of the province of said bonds.

2. The whole of the proceeds of the sale of the said bonds and all interest thereon, including such part of the proceeds

of said sale as is now standing in certain banks in the name of the treasurer of the province or otherwise, as follows, viz.:

Six million dollars and accrued interest in the Royal Bank of Canada;

One million dollars and accrued interest in the Union Bank of Canada;

Four hundred thousand dollars and accrued interest in the Dominion Bank;

is hereby declared to form part of the general revenue fund of the Province of Alberta free and clear of any claim thereon or thereto by The Alberta and Great Waterways Railway Company, their successors or assigns; and, together with all accrued interest thereon, shall, to the extent to which they are so held, be forthwith paid over by the banks hereinbefore recited, and by any other person holding any part thereof, to the treasurer of the province without any set-off, counterclaim or other deduction whatsoever.

3. Notwithstanding the form of the said bonds and the guarantee thereof, the Province of Alberta shall as between itself and The Alberta and Great Waterways Railway Company be primarily liable upon the said bonds to the several holders thereof, and the province shall indemnify and save harmless the railway company and its assets and undertaking from any and every claim made under the said bonds or any of them.

NOTE.—This Act is repealed by Sec. 1 of Chapter 6 of the Statutes of 1913 (2nd Session), the repealing Act to come into force on proclamation. This proclamation appeared in *The Alberta Gazette*, 1913, vol. 9, page 847.

1910

(SECOND SESSION)

CHAPTER 10.

An Act respecting the Raising of Loans Authorized by the Legislature.

(Assented to December 16, 1910.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Provincial Loans Act.*"

Lieutenant Governor in Council may create a permanent provincial stock

2. The Lieutenant Governor in Council may create a permanent provincial stock which shall be known as the Alberta Government Stock and shall be personal property, and the stock and the interest thereon shall be charged upon and paid out of the general revenue fund.

(2) The stock shall be subject to such regulations as to the inscription, registration, transfer, management and redemption thereof as the Lieutenant Governor in Council may make.

Not to be paid off for 30 years

(3) The stock shall not be redeemable in less than thirty years from the date of issue, but may be redeemed at or after that date at the option of the Lieutenant Governor in Council, provided six months' previous notice has been given, and the Lieutenant Governor in Council may at the time of issue of such stock fix the date at which it shall be redeemed.

(4) The notice in the last preceding subsection mentioned may be given by registered letter addressed to the registered holder of the stock at his address as it appears in the register.

Regulations as to the debt and payment of interest

3. The Lieutenant Governor in Council may make such regulations as he deems necessary for the management of the public debt and the payment of the interest thereon, and may, subject to the provisions of the next following section, provide for the creation and management of a sinking fund or other means of securing the repayment of any loans raised by the authority of the Legislature; and may appoint one or more fiscal agents in the City of London, England, or elsewhere, and agree with them as to the rate of compensation to be allowed them for negotiating loans, and for paying the interest of the debt, and may pay the sums necessary to provide the sinking fund or other means aforesaid, and such compensation out of the general revenue fund.

• How loans authorized by Legislature may be raised

4. Where in any Act authority is given to the Lieutenant Governor in Council to raise by way of loan any sum of money, then, unless there is some provision to the contrary in the Act by which the authority is given, such sum shall in the discretion of the Lieutenant Governor in Council be raised in one of the

following ways, or partly in one and partly in another or others thereof, that is to say:

- (a) By the issue and sale of debentures of Alberta, which shall be in such form, for such separate sums and at such rate of interest not exceeding five per centum per annum, and the principal and interest whereof shall be made payable at such periods and places as the Lieutenant Governor in Council deems expedient, and subject to such regulations, including regulations as to inscription, registration and transfer, as he may make, and such principal and interest shall be charged on and paid out of the general revenue fund; 1913 (2nd Session), c. 3, s. 1; 1915, c. 22, s. 1. Issue of debentures
- (b) By the issue and sale of Alberta Government Stock bearing such rate of interest not exceeding five per centum per annum as is deemed expedient, payable half-yearly, and the principal and interest whereof shall be charged on and paid out of the general revenue fund; 1913 (2nd Session), c. 3, s. 1; 1915, c. 22, s. 1. Issue of government stock
- (c) By the granting of terminable annuities charged on and to be paid out of the general revenue fund on terms in accordance with what the Lieutenant Governor in Council may deem to be the most approved English tables, and based on a rate of interest not exceeding five per centum per annum, and subject to such regulations as the Lieutenant Governor in Council may make; 1913 (2nd Session), c. 3, s. 1; 1915, c. 22, s. 1. Terminable annuities
- (d) By the issue and sale of exchequer bills, exchequer bonds, or treasury bills in sums of not less than four hundred dollars each, in such form and payable at such periods and places as the Lieutenant Governor in Council deems expedient, and subject to such regulations as he may make, or by temporary loans, and the interest thereon, and the amount of such bills or bonds shall be charged on and paid out of the general revenue fund; Exchequer or treasury bills
- (e) By the issue and hypothecation of any of the securities authorized to be issued and sold under this section; 1914, c. 19, s. 2. Hypothecation
- (f) It shall be the duty of the Provincial Treasurer to keep and prepare a complete record of all securities so hypothecated under the provisions of this Act; 1914, c. 19, s. 2. Records to be kept
- (g) The Provincial Treasurer shall make and submit to the Lieutenant Governor in Council a report respecting such hypothecation, which shall be laid before the Legislative Assembly with the Public Accounts. 1914, c. 19. Report by Provincial Treasurer

(2) On authorizing the issue of debentures or stock under paragraphs (a) or (b) of subsection 1 of this section, the Lieutenant Governor in Council may provide for a sinking fund with respect to such issue and may at any time provide for a general sinking fund for all such portions of the debentures or stocks as have been or are hereafter issued without provision for a sinking fund with respect to them; 1914, c. 19. Lieutenant Governor in Council may provide sinking fund

(3) Any of such securities may be made payable in any currency.

Register for
inscribed
stock

5. The Lieutenant Governor in Council may direct that the whole or any part of the Alberta Government Stock to be inscribed and transferred in a register kept in the United Kingdom or in any foreign country at such places and by such bank, officer or person as he may appoint.

Stock may be
recorded

6. The Lieutenant Governor may under the great seal or in council authorize any person to make any declaration and take any steps necessary to record such inscribed stock or any portion thereof under and in accordance with the provisions of the Imperial Acts known as *The Colonial Stock Acts* of 1877 to 1900, or any amendments thereof or any Acts passed in substitution therefor.

Payments, etc.,
authorized

(2) The Provincial Treasurer may out of the general revenue fund pay, satisfy and discharge any judgment, decree, rule or order of a court in the United Kingdom which under the provisions of section 20 of *The Colonial Stock Act* 1877, or any amendment thereof is to be complied with by the registrar of the inscribed stock of Alberta in England.

Form of debt
may be
changed
under certain
conditions

7. The Lieutenant Governor in Council may change the form of any part of the debt of Alberta by substituting one class of the securities aforesaid for another, provided that neither the capital of the debt nor the annual charge for interest is thereby increased, except where a security bearing a lower rate of interest is substituted for one bearing a higher rate of interest, in which case only the amount of the capital may be increased by an amount not exceeding the difference between the then present value of the securities; but such substitution shall not be made unless the consent of the holder of the security for which another is substituted is obtained, or such security is previously purchased by or redeemed by or on account of Alberta, and such substitution may be made by the sale of a security of one class and the purchase of that for which it is desired to substitute it.

Regulations to
have the force
of law

8. The regulations made by the Lieutenant Governor in Council under this Act shall in so far as they are not inconsistent with this Act have the same force and effect as if embodied and enacted in an Act of the Legislature.

(2) No officer or person employed in the inscription, registration, transfer, management or redemption of any of the aforesaid securities, or in the payment of any dividend or interest thereon shall be bound to see to the execution of any trust, expressed or implied, to which such securities are subject, or shall be liable in any way to any person for anything by him done in accordance with any such regulations.

All money
raised to form
part of
General
Revenue
Fund

9. All money raised by the issue and sale of any of the aforesaid securities shall be paid to the Provincial Treasurer and shall form part of the general revenue fund.

Government
Securities
free from
provincial
and municipal
taxes

10. All moneys invested in Alberta Government Stock or debentures, and the interest thereon, shall be exempt from municipal taxation in the province, and shall be free from all provincial taxes, succession duty, charges and impositions.

11. Nothing in this Act shall authorize any increase in the public debt without the express authority of the Legislature, except in the manner and to the extent hereinbefore mentioned.

Debts not to be increased without legislature authority

12. Nothing in this Act shall impair or prejudicially affect the rights of the holder of any securities heretofore issued by the province.

Securities heretofore issued protected

13. Where under any Act of the Legislature heretofore or hereafter passed the Lieutenant Governor in Council is authorized to guarantee the principal and interest of the bonds, debentures, debenture stock or other securities of any company or corporation, public or private, and it is by such Act or Acts provided that all moneys realized by sale, pledge or otherwise of such securities are to be paid into a bank or banks to the credit of the Provincial Treasurer or such other credit as the Lieutenant Governor in Council may direct or approve, it shall be competent for the Lieutenant Governor in Council to make such arrangements as shall be deemed expedient with such bank or banks and with such company or corporation, notwithstanding anything in the said Act or Acts contained, for the payment of the company or corporation or the nominees thereof, of the whole or a portion of the interest that has or may have accumulated upon such deposit, and has or may have been credited to the Provincial Treasurer or such other credit as the Lieutenant Governor in Council has directed or approved as aforesaid:

Arrangements may be made restricting accrued interest on certain deposits

Provided however that no such payment shall be made of the whole or any portion of such accumulated interest so credited unless it is shown to the satisfaction of the Lieutenant Governor in Council that there are no arrears of principal or interest due upon any of the said bonds, debentures, debenture stock or other securities.

Proviso

1910

(SECOND SESSION)

CHAPTER 11.

**An Act respecting Alleged Claims in connection with The
Alberta and Great Waterways Railway Company.**

(Assented to December 16, 1910.)

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Alberta, enacts
as follows:

1. Any person or corporation claiming to have suffered loss or damage in consequence of the passing of "*An Act respecting the bonds guaranteed for The Alberta and Great Waterways Railway Company*," being an Act to specify certain defaults of the railway and the consequent rights of the province," may at any time within six months after the passing of this Act, but not later, file a statement of such claim in the office of the Clerk of the Executive Council at the Government Buildings, Edmonton, together with the evidence in support of same.

(2) The Lieutenant Governor in Council shall investigate and consider or cause to be investigated and considered the said claims so filed and any evidence adduced in support of same, and shall submit to the Legislative Assembly at its next session a report respecting said claims.

(3) Nothing herein contained shall be deemed to establish or imply on the part of the Crown represented by the Province of Alberta any obligation or liability enforceable in a court of law.

1910

(SECOND SESSION)

CHAPTER 12.

**An Act for Raising Money on the Credit of the General
Revenue of Alberta.**

(Assented to December 16, 1910.)

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Alberta, enacts
as follows:

1. The Lieutenant Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding seven million four hundred thousand dollars for any or all of the purposes following, that is to say: For the public service; for the covering of any debt of the province on open account; for paying any floating indebtedness of the province; for the carrying on of public works authorized by the Legislature; and for the satisfaction or discharge of any obligation of the province whether direct or indirect or whether by way of guarantee or otherwise.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding fifty years at a rate not exceeding four and one half per centum per annum, and shall be raised upon the credit of the general revenue fund of the Province of Alberta and shall be chargeable thereon. 1913 (2), c. 3, s. 1.

1910

(SECOND SESSION)

CHAPTER 13.

An Act to amend The Game Act.

(Consolidated in Chapter 14, 1907.)

1910

(SECOND SESSION)

CHAPTER 14.

**An Act to amend Chapter 15 of the Statutes of Alberta,
1907, intituled "The Noxious Weeds Act."**

(Consolidated in Chapter 15, 1907.)

1910

(SECOND SESSION)

CHAPTER 15.

**An Act to amend Chapter 16 of the Statutes of Alberta,
1907, as amended by Chapter 20 of the Statutes of
Alberta, 1908.**

(Consolidated in Chapter 16, 1907.)

1910

(SECOND SESSION)

CHAPTER 16.

**An Act to amend The Agricultural Societies Ordinance,
being Chapter 17 of the Ordinances of 1903 (1st Session),
amended by Chapter 5, 1907.**

(Consolidated in Chapter 69, C.O. 1915.)

1910
(SECOND SESSION)

CHAPTER 17.

An Act respecting Public Health.

(Assented to December 16, 1910.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Public Health Act.*" Short title

INTERPRETATION

2. Where the following expressions or words occur in this Act or in any order, rule or regulation to be made under or confirmed by this Act, they shall be construed in the manner hereinafter mentioned, unless the context otherwise requires: Interpretation

1. "Provincial board" shall mean the provincial board of health as constituted and organized under this Act; Provincial board

2. "Local board" shall mean and include the local board of health of any city, town, village or rural municipality; 1913 (1), c. 9, s. 30. Local board

3. "Provincial medical officer of health" shall mean the provincial medical officer of health appointed under the provisions of this Act; Provincial medical officer of health

4. "Medical officer of health" shall mean any medical officer of health appointed under the provisions of this Act; Medical officer of health

5. "Executive officer" shall mean and include all persons who are officers appointed by proper and competent authority for the enforcement of the provisions of this Act, or any other law, order or regulation, for the time being in force relating to the public health; Executive officer

6. "Street" shall mean and include every highway, road, square, lane, mews, court, alley and passage, whether a thoroughfare or not; Street

7. "House" shall mean any house and shall include schools, factories and other buildings, huts and tents for human habitation, whether such are used permanently or temporarily and whether the same are stationery or moveable, and outhouses used for any purpose; House

8. "Minister" shall mean the Minister of the department administering this Act; Minister

9. "Owner" shall mean the person for the time being receiving the rent of the lands or premises in connection with which the word is used, whether on his own account or as an agent or trustee for any other person, or who would so receive the same if such lands or premises were let; Owner

10. "Householder" shall mean the occupant or person in charge of any house or premises, or the person in charge of any Householder

Contagious
or infectious
disease

Supreme
Court

Registered
medical
practitioner

Provincial
board,
organization
and
membership

Acting
chairman

Provincial
board holds
three meetings
each year

Quorum, rules
and by-laws

General
objects and
functions of
provincial
board

unoccupied house or premises, whether as owner, tenant, agent or otherwise howsoever;

11. Where the words "contagious or infectious disease" occur it shall be taken to mean the following diseases, namely: Smallpox, chickenpox, diphtheria, scarlet fever, typhoid fever, measles, German measles, glanders, cholera, erysipelas, anthrax, bubonic plague, rabies, polio-myelitis and cerebro-spinal meningitis together with such other diseases as the Provincial Board of Health may with the approval of the Lieutenant Governor from time to time declare to be contagious or infectious diseases;

12. "Supreme Court" means the Supreme Court of Alberta;

13. "Registered medical practitioner" means a medical practitioner duly qualified to practise medicine or surgery in the province.

3. There shall be a board of health in the province to be known as the provincial board of health, consisting of the provincial medical officer of health who shall be chairman, the provincial sanitary engineer and the provincial bacteriologist.

4. In the absence of the chairman from any meeting the board shall appoint one of its members present to act as chairman during the meeting, and such acting chairman shall perform all duties of the chairman under this Act.

5. The provincial board shall meet three times a year and at such other times and at such places as may be fixed from time to time by the resolution of the board; two members shall be a quorum for the transaction of business and they shall have power to make and adopt rules regulating the transaction of business and may provide therein for the appointment of committees to whom they may delegate authority and power for the work committed to them.

6. The provincial board of health shall take cognizance of the interests of health and life among the people of the province; they shall especially classify, tabulate and study the vital statistics of the province and shall endeavour to make an intelligent and profitable use of the collected records of death and of sickness among the people; they shall make investigations and inquiries respecting sanitation, the causes of disease and of epidemics; the causes of mortality and the effects of localities, employments, conditions, habits and other circumstances upon the health of the people; they shall make such suggestions and take such steps as to the prevention and suppression of contagious and infectious diseases as they may deem most effective and proper and as will prevent and limit as far as possible the rise and spread of disease; they shall inquire into the measures which are being taken by the local boards for the limitation of any dangerous contagious or infectious disease or the performance of any duty through powers conferred upon said local boards under this Act or any other Act and, should it appear that no efficient measures are being taken or that the said powers or duties are not being exercised, it shall be the duty of the provincial board, in the interests of the public health, to require the local board to exercise and enforce any of the said powers which, in the opinion of the provincial board, the urgency of the case demands; and in any

such case where the local board, after request by the provincial board, neglects or refuses to exercise its powers, the provincial board may exercise and enforce at the expense of the city, town, village or rural municipality any of the powers of local boards which under the circumstances the provincial board may consider necessary, and the said board shall, when it deems necessary, advise officers of the government and local boards of health in regard to the public health and as to the means to be adopted to secure the same, and as to the location, drainage, water supply, disposal of excreta, heating and ventilation of any public institution, factory or building. 1913 (1), c. 9, s. 30.

7. The provincial board may, subject to the approval and with the consent of the Lieutenant Governor in Council, make and issue such orders, rules and regulations as the said board may deem necessary for the prevention, mitigation, and suppression of disease, and the provincial board may with like consent and approval make orders, rules and regulations as to the following matters and things, the enumeration of which shall not be taken to curtail or limit the general power to make orders, rules and regulations herein contained, and may from time to time, subject to approval and consent as aforesaid, alter or repeal any such orders, rules or regulations:

Powers of provincial board to make regulations for prevention or mitigation of disease

1. The management, maintenance, functions, duties and jurisdiction of local boards, medical officers of health and executive officers;

2. The prevention and removal of nuisances;

3. The cleansing, purifying, ventilating, plumbing and disinfecting of houses, factories, churches, schools, public and charitable institutions, buildings and places of assembly, railway stations, carriages and cars, as well as other public conveyances, by the owners and occupiers or persons having the care and ordering thereof;

4. The inspection of hospitals, gaols, orphanages, reformatories, houses, factories, churches, schools, buildings and places of assembly, railway stations, carriages and cars and all other public conveyances;

5. The construction, maintenance, cleansing and disinfection of all drains, sewerage systems and sewers, and systems for sewage disposal, the location, cleansing, closing and disinfection of water closets, cesspools and privies, the location, cleansing, disinfection and closing of wells and the cleansing of streets and yards;

6. The method of carrying on all noxious and offensive trades or businesses, and the summary abatement of any nuisance or any conditions injurious to the public health arising therefrom or liable to arise therefrom;

7. The inspection, licensing, method of construction, furnishing, equipping and maintaining, cleansing and disinfecting of all slaughter houses and other places in which animals are killed and their meat prepared for sale or to be used for food, and of all canneries, fish houses, smokehouses and warehouses in which fish are cured, packed or prepared for sale or to be used as food and of all starch factories, dye works or factories in which blood, offal or skins or paraffine, tallow, soap or fertilizers or gas are worked up;

8. The interment or disinterment of the dead, the conduct of funerals, and the transportation of corpses;

9. The isolation or the placing in any hospital or building provided for quarantine or isolation purposes or the isolation or the placing in any other proper place of any person having any infectious or contagious disease or any disease dangerous to the public health; and the disposition of any conveyance or person that has been exposed to a contagious or infectious disease or persons who may be living in unhealthy houses or congested, unhealthy or infected localities;

10. The reporting to a medical officer of health by every medical practitioner of every person under his treatment for any infectious or contagious disease or any disease dangerous to the public health;

11. The vaccination of all children residing within the province;

12. The vaccination of all persons entering or residing in the province not already vaccinated or not sufficiently protected by previous vaccination;

13. The supply and quality of vaccine matter and sera;

14. The prevention of the use of noxious manures and fertilizers dangerous to the public health;

15. The sanitation, inspection, quarantining of all creameries, cheese factories, dairies, cowsheds and stables in connection therewith, and market gardens;

16. The prevention of the pollution, defilement, discolouration or fouling of all lakes, streams, pools, springs or waters, and to ensure their sanitary condition and to regulate the cutting and storing of ice;

17. The imposition, levying and recovery of penalties upon and from any person who shall violate any rules, orders or regulations made hereunder;

18. The taking possession of or acquiring land or buildings for the purposes of public health and the suppression and mitigation of disease, and also the taking possession of and acquiring land, buildings, rights-of-way, and easements for the purposes of construction, and installation of waterworks, sewerage, sewage purification and disposal works and refuse destructors by cities, towns or villages;

19. The prevention and suppression of contagious and infectious diseases (communicable to man) in animals;

20. The purification of water for domestic or other purposes by any person or body corporate;

21. The inspection, licensing, method of construction, furnishing, acquiring and maintaining, cleansing and disinfection of all dairies and the testing of dairy herds for tuberculosis or any other contagious or infectious disease;

22. Generally all such matters, acts and things as may be necessary for the protection of the public health and for ensuring the full and complete enforcement of every provision of this Act.

Publication
of orders and
regulations

8. All orders and regulations so made shall take effect from the approval thereof by the Lieutenant Governor in Council, and shall be forthwith published in *The Alberta Gazette* and shall have and be deemed to have the force of law and be so recognized by all courts and shall be sufficiently proved by the production of a copy of *The Alberta Gazette* containing the same or by a copy purporting to be printed by the Government Printer.

9. The expenses incurred by the provincial board for purposes of public health and the suppression, prevention and mitigation of disease, as well as in connection with any epidemic occurring outside of cities, towns, villages or rural municipalities shall be defrayed out of any money appropriated by the Legislature for that purpose, and the expenses incurred by the local boards of health in cities, towns, villages or rural municipalities or by the medical officers of health or executive officers of said boards in connection with any epidemic, or in the execution of or in the superintending of the execution of the provisions of this Act, and the orders and regulations of the provincial board shall be defrayed and provided by the cities, towns, villages or rural municipalities having jurisdiction over the respective places affected. 1913 (1), c. 9, s. 30.

Provisions for payment of expenses of provincial board, local boards, medical officers of health and executive officers

(2) The council of any village shall have power to borrow from any person, bank or corporation any moneys necessary for the effectual carrying into effect of the provisions of this section. 1911-12, c. 4, s. 39.

(3) Any moneys heretofore borrowed by the council of any village are hereby declared to be lawfully borrowed and the debts created thereby to be as valid and binding upon such council as if such moneys had been borrowed subsequent to the passing of this amending Act. 1911-12, c. 4, s. 39.

10. In the event of any dispute or uncertainty as to the amount payable by any city, town, village or rural municipality within any other health district, the Minister shall from time to time and as often as may be necessary, cause application to be made in a summary way to a judge of the Supreme Court in chambers to adjudge the amount payable by the city, town, village or rural municipality and such judge shall have power to adjudge and fix the same and to give all proper and necessary directions for such purposes, and the order adjudging the amount shall have the operation and effect of a judgment of such court against the city, town, village or rural municipality in favour of His Majesty. 1913 (1), c. 9, s. 30.

Settlement of proportionate amounts and expenses

11. When the establishment of a system or the extension of any existing system of waterworks for the purpose of providing a water supply for public consumption is contemplated by any person or body corporate, it shall be the duty of such person or body corporate, whether incorporated by special or private Act of Parliament or otherwise howsoever, to submit to the provincial board the plans and specifications of the proposed system of waterworks and an analysis of the water from the proposed source or sources of supply, verified by affidavit stating that the plans and specifications so submitted are those to be used and followed in the construction of such proposed system, that the particulars set forth in the said analysis are true and that the water analyzed was taken from the proposed source or sources.

Water supply, plans for the establishment or extension of any system of water to be submitted to and approved by the provincial board before construction

(2) It shall not be lawful to construct, establish or operate any such system of waterworks or any extension of an existing system of waterworks as aforesaid, without first obtaining from the provincial board a certificate signed by the chairman certifying that the plans, specifications and analysis so submitted and the

Certificate to be obtained

proposed source or sources have been considered and approved by the board and that the proposed system or extension may, with safety to the public health, be constructed, carried out and operated.

Alterations

(3) If in the opinion of the provincial board alterations are necessary in the plans or in the specifications of such proposed system, it shall not be lawful to construct, establish or operate the proposed system or extension unless and until such alterations have been made in the said plans and specifications.

Power to the
Lieutenant
Governor
in Council
upon report
of provincial
board to
adjust water
supply in
any locality

(4) Where in any locality or place it shall be necessary in order to obtain a supply of water for the consumption and domestic purposes of the persons resident in such locality or place, to enter upon, to take possession of or use in common with the owners any flume, ditch, water system or water course, the waters of which are recorded, diverted or used for irrigation, industrial or mining purposes, the provincial board or a member or officer thereof appointed by the board for that purpose, shall subject to the provisions of *The Irrigation Act*, examine the source of water supply, the flume, ditch, water system or water course aforesaid, the locality or place, and shall report to the Lieutenant Governor in Council the amount of water, estimated as nearly as may be, actually required for the consumption and domestic purposes of the residents of such locality and the means and measures necessary to be adopted in order to secure such amount of water so actually necessary and thereupon the Lieutenant Governor in Council may, by order in council, provide for, direct and enforce the doings of all acts and things and the adoption and continuance of all means and measures necessary for the securing and the continued supply of such amount of water so actually necessary as aforesaid.

Sewerage
systems—
Plans and
specifications
for the
establishment
or extension
of any system
of; to be
submitted to
and approved
by the
provincial
board before
construction

12. When the construction, alteration or extension of a common sewer or system of public sewerage shall be contemplated by any person or body corporate, such person or body corporate shall submit to the provincial board all plans and specifications in connection with the construction, alteration or extension of such common sewer or system of sewerage and in connection with the purification and disposal of the sewage.

Sewerage
disposal

Sewerage
purification

(2) No common sewer or system of sewerage shall be established or continued unless there is maintained in connection therewith a system of sewage purification and disposal which removes and avoids any menace to the public health, and the provincial board may call for, and any person or body corporate shall, when requested, furnish as soon as may be such information and data in relation to such matters under their control as the provincial board may deem necessary; provided that with regard to systems in operation at the date of the passing of this Act the provincial board may dispense with the requirements thereof for a sufficient time in their opinion to permit of compliance therewith.

Certificate
to be obtained

(3) It shall not be lawful for any such person or body corporate to construct, alter, extend or operate any common sewer or system of sewerage or sewage purification or disposal without first obtaining from the provincial board a certificate signed by the chairman stating that the proposed construction, alteration or extension may be carried out, and that the constructed or extended common sewer or system of sewerage and sewage purifi-

cation and disposal may be maintained and operated without injury or danger to the public health.

(4) If in the opinion of the provincial board for the purpose of guarding against injury or danger to the public health, alterations or additions are necessary in any existing or proposed common sewer or system of sewerage or in the plans or specifications for sewage purification and disposal or in both the plans and specifications submitted as aforesaid, it shall not be lawful to construct, establish or operate the existing common sewer or system of sewerage or sewage purification or disposal or the proposed system or extension, unless and until the alterations and additions have been made and adopted.

13. No by-law providing for the raising of money for the construction, alteration, operation or extension of any system of waterworks or system of water purification, common sewer or system of sewerage or sewage purification or disposal shall be submitted to the vote of the electors by the council of any city, town or village until the certificate has been obtained from the provincial board of health as provided for in the preceding sections 11 and 12, and the preamble of every such by-law shall declare that such certificate has been duly obtained.

Alterations
or additions

No by-law
for raising
of money
for sewerage
or sewage
disposal
purposes shall
be voted on
by electors
without
certificate
of board

13a. Notwithstanding anything herein contained any by-law providing for the raising of money for the construction, alteration, operation, or extension of any system of waterworks or system of water purification, common sewer or system of sewerage or sewage purification or disposal, which since the passing of this Act has been submitted to the vote of the electors by the council of any city, town, or village, without the certificate of the provincial board of health having been obtained as provided for in sections 11, 12 and 13 hereof, or any by-law which has been passed by the council of any city, town or village, the preamble of which does not declare that such certificate has been duly obtained, as required by section 13, shall be deemed as valid and binding in all respects as if the provisions of said sections 11, 12 and 13 had been strictly complied with. 1911-12, c. 4, s. 39.

14. In any system of waterworks or system of water purification, sewerage or sewage purification or disposal, or alteration or extension of the same, approved of by the board as provided for in the three immediately preceding sections and subsections, the provincial board shall have power and authority to inspect any such works above referred to, and if it finds that the work is not being carried out in conformity with the plans and specifications approved of by the board, or with this Act or the regulations of the provincial board it may order the discontinuance of such work until such changes as are ordered by it are made to its satisfaction.

Inspection of
works by
board

15. The provincial medical officer of health shall be the chief medical officer of health for the province, and shall perform such duties and functions as may be assigned to him by the Lieutenant Governor in Council, and generally shall have the direction and supervision of such matters as pertain to public health.

Duties of
provincial
medical
officer of
health

Temporary appointment of medical officer of health in districts organized under Local Improvement Act when deemed necessary

16. Whenever the provincial medical officer of health considers the appointment of a medical officer of health in any district organized under *The Local Improvement Act* temporarily necessary he may with the approval of the Lieutenant Governor in Council make such appointment and the expenses thereof shall be paid by the provincial government.

Temporary appointment of medical officer of health in villages when deemed necessary

17. Whenever the provincial medical officer of health considers the appointment of a medical officer of health in any village or rural municipality temporarily necessary, he shall notify the local board of such village or rural municipality in writing to make such appointment, and such board shall bear the expense thereof; in case the said local board after being so notified neglects to make such appointment in compliance with the conditions contained in said notice, the provincial medical officer of health may, with the approval of the Lieutenant Governor in Council, make the appointment and arrange the remuneration of such medical officer of health, which shall be paid by the said local board, and shall be recoverable by such medical officer of health as an ordinary debt. 1913 (1), c. 9, s 30.

Notice of appointment to be made to provincial medical officer of health

18. The local board shall advise the provincial medical officer of health within three days after receiving notice to make such appointment that it has complied with such notice and shall give the name of the person so appointed.

Every city and town to appoint a medical officer of health

19. A medical officer of health who shall be a registered medical practitioner shall be appointed in every city and town by the council thereof, not later than the third regular meeting after its organization and should the council fail to make such appointment, the provincial medical officer of health may, with the approval of the Lieutenant Governor in Council, make said appointment and arrange the remuneration of such medical officer of health which shall be paid by the council, and shall be recoverable by such medical officer of health as an ordinary debt.

Vacancy in office of medical officer of health to be filled by appointment

20. Whenever any medical officer of health in a city or town becomes temporarily or permanently incapable of performing his duties, or resigns his office or leaves the locality for which he has been appointed, the council shall forthwith appoint another medical officer of health in his place.

Suspension of elections

21. In case the provincial board reports to the Lieutenant Governor in Council that on account of the presence in any health district of any epidemic or contagious disease it would be dangerous to hold an election in such health district, the Lieutenant Governor in Council may, upon application of the council of the health district in that behalf, issue his proclamation postponing the holding of any intended election for a period not exceeding three months and may from time to time further postpone such election, if in the opinion of the said board the necessity for postponement continues.

(2) The Lieutenant Governor in Council may by his said proclamation name days for holding the nominations and polling for the election but in case no days are named therefor the council

shall, as soon as practicable after the period named in such proclamation or the last of such proclamations expires, by by-law name days for the nomination and polling.

(3) In case an election postponed under the provisions of this section is the annual election of any city, town, village, rural municipality or local improvement district, or an election of the entire council of such or of all the members of a board of school trustees or other body such persons shall continue to hold office until their successors are elected. 1913 (1), c. 9, s. 30.

22. There shall be a board of health in every city, town, village or rural municipality which shall be responsible for the carrying out of the provisions of this Act. 1913 (1), c. 9, s. 30.

Board of health to be responsible in every city, town, etc.
Composition of local board

(2) In every city and town the local board of health shall consist of the mayor, the medical officer of health, the municipal engineer (if any) and three ratepayers to be appointed by the council, as follows: One member to be appointed for three years, one for two years and one for one year; each member retiring to be replaced by a member appointed for three years, from the date of appointment. The local medical officer of health shall be the executive officer of the board and in the intervals between the meetings of the board shall perform such duties and shall have such powers as are imposed upon or by this Act vested in the board. 1913 (1), c. 9, s. 30.

(3) In every village or rural municipality the local board of health shall be composed of the members of the council and the sanitary inspector (if any), the secretary-treasurer of such council shall be the secretary of the board. 1913 (1), c. 9, s. 30.

(4) A majority of the members of any board of health shall be a quorum for the transaction of business.

Quorum

(5) In every district organized under *The Local Improvement Act* the provincial board of health shall be responsible for the carrying out of any of the provisions of this Act which may apply to such districts.

Provincial board of health responsible in districts organized under Local Improvement Act

23. For the purposes of this Act the following are constituted health districts: Any city, town, village, rural municipality or district organized under *The Local Improvement Act*. 1913(1) c. 9, s. 30.

Health districts

24. The municipal council of every city, town, village or rural municipality shall in each year vote such sums as are necessary for the carrying on of the work of its board of health. 1913 (1), c. 9, s. 30.

Annual municipal appropriation

25. For the prevention, mitigation and suppression of disease and for the better controlling and safeguarding of the public health of the province should any Act in force within the province conflict with this Act, then and in every such case this Act shall prevail, and should any order, rule or regulation made by the provincial board in respect to any matter over which the provincial board has jurisdiction under this Act conflict with any by-law, order, rule, or regulation made under authority of any other Act or Ordinance in force in the province, then and in every such case the order, rule or regulation of the provincial board shall prevail.

In case of conflict Public Health Act to prevail

(2) Nothing herein contained shall apply to any such by-law, order, rule or regulation made under the authority of any other

Act or Ordinance as aforesaid, if the same has been approved by the provincial board. 1911-12, c. 4, s. 39.

Destroying or
removing of
notices

26. Any person defacing, destroying or removing any notice provided for by this Act or by any regulations made thereunder shall be guilty of an offence under this Act. 1913 (1), c. 9, s. 30.

Neglect or
refusal to
obey order of
executive
officer

27. Any person who neglects or refuses to obey any order given to him by any executive officer, in pursuance of the provisions of this Act or of the regulations made thereunder, shall be guilty of an offence under this Act.

Assaulting
obstructing

28. Any person who assaults, obstructs, molests or hinders any executive officer, constable or other person in the execution of any duty or exercise of any power conferred upon him by this Act or any regulation made thereunder, shall be guilty of an offence under this Act.

Penalty

29. Where no other or different provision is made herein, every person guilty of violating any of the provisions of this Act shall be liable to a penalty of not more than fifty dollars (\$50.00) and costs. 1911-12, c. 4, s. 39.

30. The penalties imposed by this Act shall be recoverable on summary conviction before a justice of the peace or a police magistrate.

31. The provisions of part XV, chapter 146, of the Revised Statutes of Canada, 1906 (*The Criminal Code*), shall apply to all prosecutions under this Act.

32. This Act shall come into force on the first day of March, 1911.

33. *The Public Health Act*, being chapter 12 of the Statutes of Alberta, 1907, is hereby repealed.

REGULATIONS made and issued by The Provincial Board of Health under power conferred on the said board by *The Public Health Act*.

(Approved by the Lieutenant Governor in Council on the 9th day of June, 1911, as amended 19th January and 8th April, 1914, and by Order in Council 353/15.)

Inserted for convenience only and subject to change at any time.

INTERPRETATION.

1. In *The Public Health Act* and these regulations, if not inconsistent with the context, the following words and expressions shall have the meanings hereinafter respectively assigned to them, that is to say:

(2) "Lands and premises" include messuages, buildings, lands, easements and hereditaments of any tenure.

(3) "Person" includes any body of persons, whether incorporated or not.

(4) "Council" means the council of any health district.

(5) "Engineer" means any person appointed by a council to perform any of the duties of engineer under *The Public Health Act* and these regulations.

(6) "Housedrain" means any drain of and used for the drainage of a house or premises, and made merely for the purpose of communicating therefrom with a private sewage disposal system or other like receptacle for sewage, or with a sewer situated at the junction of the premises with a street.

(7) "Sewer" includes sewers and drains of every description except drains to which the word "house-drain" interpreted as aforesaid applies.

(8) "Waterworks" includes streams, springs, wells, pumps, reservoirs, cisterns, tanks, aqueducts, cuts, sluices, mains, pipes, culverts, engines, and all machinery, lands, buildings and things for supplying or used for supplying water, also the stock in trade of any water company.

(9) Where the words "contagious or infectious disease" occur in these regulations they shall be taken to mean in addition to those already named in *The Public Health Act*, whooping cough in the acute stage, and mumps, trachoma and impetigo contagiosa.

(10) Where the words "communicable disease" occur in these regulations they shall be taken to mean the following diseases, namely: Contagious or infectious diseases, venereal disease, pulmonary tuberculosis and scabies (itch), ringworm and pediculosis (lice).

(11) "Health district" shall mean any city, town, village, rural municipality or district organized under *The Local Improvement Act*.

(12) Words importing the singular number shall include the plural number, and words importing the plural number only shall also include the singular number.

(13) Words importing the masculine gender shall also include the feminine.

(14) "Notifiable disease" shall mean any disease, the occurrence of which shall be made known to the Provincial Board or local board, as prescribed in these regulations, and shall include smallpox, chickenpox, diphtheria, scarlet fever, typhoid fever, measles, German measles, whooping cough, mumps, puerperal fever, ophthalmia-neonatorum, pulmonary tuberculosis, glanders, cholera, erysipelas, anthrax, bubonic plague, hydrophobia, poliomyelitis (infantile paralysis), cerebro-spinal meningitis, trachoma and such other disease as the Provincial Board may declare. O-in-C. 353/15.

LOCAL BOARDS.

2. The appointment of members of the local board shall be made not later than the third regular meeting of the council after its organization, and the names of the appointees shall be forwarded immediately to the Provincial Board, and any vacancy arising from any cause shall be filled at the first meeting of the council thereafter.

3. The local board in every city, town, village or rural municipality shall hold its first meeting within two weeks after appointment, and shall elect a chairman and (except in villages or rural municipalities) a secretary, and shall immediately forward the names of the appointees to the Provincial Board.

4. A majority of the members of a local board shall be a quorum for the transaction of business.

5. In every city, town, village or rural municipality a minute book shall be provided by the local board in which the secretary shall record the proceedings of such board.

6. The local board in every city, town, village or rural municipality shall on or before the third day of each month transmit to the Provincial Board a return showing the number of cases of notifiable disease in its district during the month next preceding, together with such additional information as may from time to time be required other than those diseases mentioned in Regulation 18.

7. The medical officer of health in every city or town shall present to the local board, not later than the fifteenth day of December in each year, a full report upon the sanitary condition of such city or town for the preceding twelve months.

8. The secretary of every local board shall make a report to the Provincial Board on the work of the local board whenever requested by the said Provincial Board, and also annually for the twelve months preceding the fifteenth day of December, and such annual report shall contain a copy of the annual report of the medical officer of health to the local board, and shall be forwarded to the Provincial Board not later than the said fifteenth day of December in each year.

9. It shall be the duty of the medical officer of health to advise the local board in matters relating to public health, and to secure the enforcement and observance of all health laws within his health district, and to perform such other duties and lawful acts for the preservation of the public health as may be necessary.

10. The engineer of every health district shall make a report to the Provincial Board on the condition and operation of all waterworks, sewerage and sewage disposal works, refuse destructors and any other sanitary works which may exist in such health district whenever so requested by the said Provincial Board, and also annually for the twelve months preceding the fifteenth day of December, and such annual report shall be forwarded to the Provincial Board not later than the said fifteenth day of December in each year.

11. Every local board shall appoint and maintain one or more executive officers for the carrying out of the provisions of *The Public Health Act* and these regulations, and if the number at any time appointed is not sufficient for any circumstances that may arise the local board shall make the necessary additional appointments.

12. Any executive officer under warrant from a local board may enter into and upon any house or premises for the purpose of making inquiry and examination with respect to the said house or premises.

13. Any executive officer, on order of the local board, may enter into and upon any premises within its district and examine such premises.

(2) If upon examination he finds that the premises are in an unsanitary condition, or any matter or thing therein which, in his opinion, may endanger the public health, the local board may order the owner or occupant of the premises, in writing, to abate such unsanitary condition.

14. The executive officer of any local board, at any hour of the day or night, as often as he thinks necessary, may enter into any house which he has reason to suspect is overcrowded or occupied by more people than is reasonably safe for their health, or if he has reason to suspect that any sleeping room in such house is overcrowded or in an unsanitary state, or that there is any matter or thing therein which may endanger the public health or the health of any of the occupants thereof, then such executive officer may order the owner or occupier of the said house to remove the inmates therefrom, or that which causes the house or any part thereof to be unsanitary or overcrowded.

15. Wherever a local board has any authority to direct that any matter or thing shall be done by any person, such local board may, in default of its being done by said person, direct that such matter or thing shall be done at the expense of the person in default, and in case of nonpayment thereof the council, under the direction of the local board, may recover such expense on behalf of the health district in any court of competent jurisdiction, or may assess the amount thereof against the person liable therefor, and such amount so assessed shall be collectable as taxes.

CONTAGIOUS AND INFECTIOUS DISEASES, QUARANTINE, ETC.

16. Whenever a householder ascertains or has reason to suspect that a person within his family or household is infected with any of the following notifiable diseases, namely: Smallpox, chickenpox, diphtheria, scarlet fever, typhoid fever, measles, German measles, whooping cough, mumps, puerperal fever, ophthalmia-neonatorum, pulmonary tuberculosis, glanders, cholera, erysipelas, anthrax, bubonic plague, rabies (which produces the disease in

man named hydrophobia), polio-myelitis (infantile paralysis), or cerebro-spinal meningitis, he shall within twelve hours give notice in writing as follows:

- (a) In cities, towns, villages or rural municipalities to the local board.
- (b) In districts organized under *The Local Improvement Act* to the Provincial Board.

17. Whenever any physician ascertains or has reason to suspect that any person whom he is called to visit or examine is infected with any of the following notifiable diseases, namely: Smallpox, chickenpox, diphtheria, scarlet fever, typhoid fever, measles, German measles, whooping cough, mumps, puerperal fever, ophthalmia-neonatorum, pulmonary tuberculosis, glanders, cholera, erysipelas, anthrax, bubonic plague, rabies (which produces the disease in man named hydrophobia), polio-myelitis (infantile paralysis), or cerebro-spinal meningitis he shall communicate such fact or suspicion to the householder and he shall within twelve hours give notice thereof, according to schedule P, in writing, as follows:

- (a) In cities, towns, villages or rural municipalities to the local board.
- (b) In districts organized under *The Local Improvement Act* to the Provincial Board.

18. The local board in every city, town, village or rural municipality shall within twenty-four hours give notice in writing to the Provincial Board of any case of smallpox, diphtheria, scarlet fever or typhoid fever which has appeared within its district.

19. Whenever the local board in cities, towns, villages or rural municipalities receives notice or ascertains the existence of smallpox, chickenpox, diphtheria, scarlet fever, polio-myelitis, cholera, cerebro-spinal meningitis or bubonic plague in any house, it shall forthwith cause to be affixed near every entrance to such house, a placard whereon is printed in legible capitals of not less than two inch type, the name of the disease with which such house is infected and the word "Quarantined." The householder shall keep such placards affixed until the house is released from quarantine, as provided in these regulations.

(2) The house shall be considered under quarantine from and after the time when a householder ascertains or has reason to suspect that a person within his family or household is infected with any of the diseases in this section mentioned, or a physician ascertains or has reason to suspect that any person whom he is called to visit or examine is so infected notwithstanding the fact that the existence or suspected existence of any of the said diseases has not then been reported, nor notice given thereof, nor placard affixed as in this or the following section provided.

20. Whenever a householder ascertains or has reason to suspect that a case of smallpox, chickenpox, diphtheria, scarlet fever, polio-myelitis, cholera, cerebro-spinal meningitis or bubonic plague occurs in any house in any district organized under *The Local Improvement Act*, the householder or the physician in attendance shall forthwith affix near every entrance of such house, a placard bearing in legible capitals of not less than two inch type, the name of the disease with which such house is infected and the word "Quarantined." The householder shall keep such placards affixed until the house is released from quarantine, as provided in these regulations.

21. Whenever the word "Quarantine" or "Quarantined" is used in these regulations in connection with the existence of any contagious or infectious disease in any house, or on any placard affixed on the house near any entrance to such house, it shall mean that such house, the inmates and contents thereof, shall be subject to the provisions of these regulations for such contagious and infectious disease, and to the following restrictions:

(2) No person therein shall leave, nor shall the contents thereof be removed from any such house, nor shall such person hold any communication that might result in spreading infection with any person outside such house; no person shall enter such house except attendants, until such house, inmates and contents have been properly disinfected and released from quarantine.

(3) Provided that on complying with these regulations in respect to disinfection, any person or article exposed to smallpox, chickenpox, diphtheria, scarlet fever, polio-myelitis, cholera, cerebro-spinal meningitis or

bubonic plague may leave or be removed from such house if satisfactory reasons are given to, and on securing permission in writing from—

- (a) The local board in cities, towns, villages or rural municipalities.
- (b) The Provincial Board in districts organized under *The Local Improvement Act*.

(4) Provided further, that any inmate of any infected house may do whatever may be necessary to procure medical or other aid in any emergency.

(5) No person infected with smallpox, chickenpox, diphtheria, scarlet fever, measles, German measles, cholera, cerebro-spinal meningitis or bubonic plague shall leave any house except with the written consent and under the direction of the local board in a city, town, village or rural municipality, or of the Provincial Board or its executive officer in districts organized under *The Local Improvement Act*.

22. Whenever a case of measles, German measles, anthrax, glanders, typhoid fever, mumps or whooping cough in its acute stage occurs in any house such house shall be placed under "Modified Quarantine."

23. Whenever the term "Modified Quarantine" is used in these regulations in connection with the existence of any case of measles, German measles, anthrax, glanders, typhoid fever, mumps or whooping cough in its acute stage in any house or on any placard affixed to a house near any entrance to such house, it shall mean that such house and the inmates thereof shall be subject to the following restrictions:

(2) The patient shall be isolated therein from the other inmates, if possible in a separate room, until released from modified quarantine.

(3) A placard shall be affixed to the house by the local board in cities, towns, villages or rural municipalities, or by the householder or the physician in attendance in districts organized under *The Local Improvement Act*, whereon is printed in legible capitals of not less than two inch type the name of the disease with which such house is infected and the words "Modified Quarantine." The householder shall keep such placards affixed until the house is released from modified quarantine.

(4) Provided that the local board or the Provincial Board may at any time, if it deems necessary, place under "Quarantine" any house which may have been placed under "Modified Quarantine."

24. Whenever a house has been quarantined or placed under modified quarantine, if situated in a city, town, village or rural municipality the local board on the removal or termination of the case shall direct and see that these regulations as to disinfection are properly carried out and shall raise the quarantine. If situated in a district organized under *The Local Improvement Act* the Provincial Board or executive officer under its instructions shall perform such duties:

Provided that when a house has been placed under modified quarantine and the patient isolated in one room therein, the person responsible for the modified quarantine may at his discretion order the disinfection of that room only.

25. In every city, town, village or rural municipality the local board shall perform all disinfection under these regulations.

26. Where not otherwise provided the expense of disinfection in a city, town, village or rural municipality shall be borne by the city, town, village or rural municipality, and in a district organized under *The Local Improvement Act* by the Provincial Government.

27. The local board in cities, towns, villages or rural municipalities, and the Provincial Board in districts organized under *The Local Improvement Act* may issue a written order for the destruction of any bedding, clothing or other article which has been exposed to infection.

28. The owner or person in charge of any vehicle shall not after the entry into same of any person infected with a contagious or infectious disease, allow any other person to enter same without having disinfected said vehicle under the direction of the local board.

29. Every person shall wear an outside suit of overalls or other suitable covering to protect the whole of his clothing when attending any patient

suffering from smallpox, scarlet fever or diphtheria, and immediately after such attendance he shall disinfect all exposed parts including hands, face, hair and footwear with a solution of bichloride of mercury.

30. No person shall let or hire any house or room therein in which contagious or infectious disease has recently existed, without having caused the house and premises to be disinfected by the local board.

31. Whenever any local board receives notice that a case of typhoid fever exists in any house, it shall at once furnish the householder with written instructions for the special disinfection and disposition of the discharges from the patient, and such instructions shall include the following:

- (a) The sputum and discharges from the nose and throat shall be received on cloths which shall be immediately burned;
- (b) All discharges from the bladder and bowels shall be received in a vessel containing sufficient quantity of a solution of bichloride of mercury of a strength of two drachms to a gallon of water, or a solution of chloride of lime, five ounces to one gallon of water to cover them, and the contents of such vessel shall be thoroughly mixed and shall stand for a period of two hours before being discharged into the sewer or otherwise disposed of;
- (c) The nurse or other attendant after handling the patient shall cleanse his hands with a solution of bichloride of mercury of a strength of at least one drachm to one gallon of water;
- (d) All towels, bed linen, clothing and other materials soiled by the discharges from the patient shall be immersed in a solution of bichloride of mercury of a strength of two drachms to one gallon of water, or a solution of carbolic acid eight ounces to one gallon of water, or a solution of chloride of lime five ounces to one gallon of water, for one hour, and then boiled before being used again.

32. Where a local board is required or authorized to disinfect any person or thing, or to isolate any person, such board may employ such assistants and force as it may think necessary.

33. Whenever a case of smallpox occurs in any city, town, village or rural municipality the local board shall—

- (a) At once have the patient removed to an isolation hospital, temporary hospital or hospital tent;
- (b) Provide for proper isolation, nursing, medical and other attendance;
- (c) Provide the necessaries required for the case;
- (d) Disinfect the house and premises where the case arose or broke out, and the clothing and every other article exposed to infection, or if necessary, may cause the destruction of same;
- (e) Disinfect every article, railway car, steamboat, carriage, or other vehicle which may be exposed to infection;
- (f) Detain said patient in such isolation hospital, temporary hospital or hospital tent until desquamation is complete and his skin is smooth, and he shall then be disinfected and released.

(2) The local board in every city, town, village or rural municipality shall provide a "detention station," which shall be an isolated building, tent or tents properly and comfortably equipped, and shall provide the necessary medical attendance, medicine and nursing.

(3) The local board shall place in such detention station every person who has been exposed to infection and who has never been vaccinated, shall cause him to be vaccinated and if such vaccination be done within four days of such exposure and takes successfully, he shall then be disinfected and discharged. If such person be not vaccinated within four days of exposure he shall be detained therein for sixteen days and shall then be disinfected and discharged.

(4) If the person so exposed satisfies the local board that he has previously been successfully vaccinated and revaccinated, he shall be disinfected and discharged.

(5) If the local board is satisfied that the said person has been vaccinated successfully he shall be revaccinated, disinfected and discharged:

Provided that if such person has been vaccinated within the preceding twelve months, the local board may dispense with the revaccination:

Provided further that if such a case occurs or breaks out in any private house and any person exposed thereto, who has never been vaccinated,

prefers to remain quarantined therein at his own expense, he shall be allowed to do so at the discretion of the local board on the same conditions as a person who is placed in the detention station.

(6) Any person refusing to comply with the regulations as to revaccination shall be removed to the detention station and detained there at his own expense for the full period of quarantine, then disinfected and discharged.

(7) For the purposes of these regulations a previous attack of smallpox shall be equivalent to successful vaccination.

(8) Whenever the Medical Officer of Health in any city or town, or the physician employed by the local board in any village or rural municipality is in doubt as to the diagnosis of a case of suspected smallpox, he shall quarantine the house and isolate the case in the house, if possible, until the diagnosis is made.

34. The Provincial Board may order that vaccination and revaccination shall be compulsory within the limits of any specified locality within the province.

35. Every local board shall at all times keep in its possession a sufficient supply of vaccine.

36. Any person, parent or guardian, being a *bona fide* resident of any city, town, village or rural municipality, who is unable to bear the expense of being vaccinated or revaccinated, or of having his children vaccinated or revaccinated, may apply to the local board for free vaccination and shall be entitled to such free vaccination by its Medical Officer of Health, provided the claim of inability to bear the expense is satisfactory to the local board.

37. Upon and immediately after the successful vaccination of any child, the medical practitioner who performed the operation shall deliver to the father or mother or other person having the care of said child a certificate according to schedule K.

38. Any executive officer under the direction of the local board may enter in and upon any house or premises in which there exists or is suspected to exist any contagious or infectious disease, for the purpose of making inquiries and examination with respect to the existence of any such disease, and may deal with any person or article found therein infected with any of the said diseases according to the provisions of these regulations.

39. No person delivering bread or milk to any house which is under quarantine or modified quarantine shall permit any article used in the delivery of such to be taken into the house.

40. No householder in a house, which is under quarantine or modified quarantine, shall permit any tickets, checks, coupons or other devices used by vendors in exchange for bread or milk to issue from such house.

41. When a house is quarantined the local board shall see that, where it is necessary, there is a person to do the outside service for the wants of those who reside in such house. The person in charge of such service shall not enter the house, but shall take orders verbally at a distance, and deposit near the entrance of such house everything he brings there. The services of such person, as well as everything he is ordered to bring, shall be supplied at the expense of the head of the house so quarantined, excepting in a known case of poverty, when such services, as well as the necessities of life, shall be furnished at the expense of the city, town, village or rural municipality, or in districts organized under *The Local Improvement Act* at the expense of the Provincial Government.

42. No person shall lease any house infected by a contagious or infectious disease without having it disinfected in the manner prescribed in schedule F, and no person shall sell, give, loan or expose for sale, clothing or other articles infected by contagious or infectious disease, without having disinfected them in the manner described in the schedules D and E, and such clothing or other articles shall not be removed from the house or premises before disinfection, without written permission from the local board.

43. In case infectious or contagious disease breaks out in any city, town, village or rural municipality, the local board may (in case a temporary hospital

or hospital tent shall not have been already provided) immediately provide such temporary hospital, hospital tent or other place for the person infected, as it shall deem proper, at the cost of the city, town, village or rural municipality.

44. No building used as a permanent isolation hospital shall be nearer than one hundred yards to any inhabited house; nor shall any land annexed to such isolation hospital within twenty yards of its boundaries be used as a recreation ground for convalescent patients.

45. When any part of the province becomes exposed to contagious or infectious disease owing to the existence of same in any place outside of the province, the Provincial Board may prohibit all ingress to the province therefrom for a period to be named in such order.

46. In any dispute as to the diagnosis of any communicable disease, the decision of the Provincial Board shall be final.

47. When not otherwise provided, whenever a case of contagious or infectious disease occurs in any hotel, the local board shall immediately quarantine said hotel, remove therefrom the person infected and provide for him as hereinbefore mentioned. Said hotel shall then be disinfected and quarantine raised as provided under the regulations relating to "Quarantine."

48. The local board in every city, town, village or rural municipality shall provide a conveyance for the removal of any person suffering from contagious or infectious disease therein.

49. In any city or town where an isolation hospital is permanently maintained, a conveyance shall be permanently maintained for the transporting or removing of all cases of contagious and infectious disease, and such conveyance shall not be used for any other purpose after having been so used, and the same shall be disinfected under the supervision of the local board after each such case.

50. In any city, town, village or rural municipality where an isolation hospital is not permanently maintained, any conveyance used for the purpose of transporting or removing any person suffering from any contagious or infectious disease shall be disinfected under the supervision of the local board after each such use.

51. In case it may be necessary to disinfect a railway car or steamboat, the disinfection shall be carried out under the direction of the local board, but at the expense of the railway or steamboat company respectively.

52. The local board in every health district shall provide each medical practitioner with blank forms on which to report every case of contagious or infectious disease he attends, and said blank forms shall be as shown in schedule P.

53. No person shall work or require, permit or suffer any other person to work in his bakeshop or laundry who is affected with pulmonary tuberculosis, scrofula or with any venereal or any communicable disease.

54. No Chinese laundryman nor other person shall dampen linen or other articles of clothing by spraying upon same water emitted from his mouth.

RESIDENCE.

55. For the purposes of *The Public Health Act*, and these regulations, three months' residence in any city, town, village or rural municipality by any person shall constitute *bona fide* residence of such city, town, village or rural municipality.

COMPENSATION.

56. In the event of any property being destroyed under the provisions of *The Public Health Act* or these regulations, the owner thereof shall be paid

reasonable compensation therefor, by the city, town, village or rural municipality in which such property was at the time of destruction; and if said property was outside of a city, town, village or rural municipality the same shall be paid by the Provincial Government.

57. In the event of the owner and the city, town, village, rural municipality or government failing to agree on the amount of compensation mentioned in regulation 56, the same shall be fixed by the judge of the District Court in whose district said property was at the time of such destruction, and application may be made in a summary manner to said judge to fix said compensation.

ACQUIRING LAND.

58. In case of actual or apprehended outbreak of any contagious or infectious disease, possession of any land or building may be taken by any local board for the purposes of public health and the suppression and mitigation of disease, with or without the consent of the owner or tenant thereof, and the same may be retained and occupied for such period as may appear necessary to the said board.

59. Where possession is taken as in the preceding regulation mentioned said local board shall within five days thereafter give notice thereof to the owner or tenant, such notice to be according to the form contained in schedule N, or to like effect. In the event of any owner or tenant not being within the Province of Alberta, or if his whereabouts therein is unknown, such local board shall cause the notice to be published for two insertions in some newspaper published in the locality, and shall mail to the last known address (if any) of the owner a copy of the notice by registered letter, and such publication and mailing shall be sufficient notice to the owner.

60. Where under these regulations any land or building is taken for the use of any city, town, village or rural municipality the owner or tenant of such land or building shall be entitled to such compensation for use and for damages, if any, which may arise therefrom as may be agreed upon between the council of the city, town, village or rural municipality and the owner or tenant, and in case they fail to agree the compensation and the terms of payment may be summarily determined and settled by a judge of the District Court.

61. When any resistance or opposition is made to possession being taken of any land or building under these regulations, a Justice of the Peace may issue his warrant to any person named in such warrant requiring him to put the local board or its agents in possession of such land or building.

62. No buildings to be used for any of the purposes mentioned in regulations 58 to 61 both inclusive shall be nearer than one hundred yards to any inhabited house.

SCHOOLS.

63. When a case of communicable or contagious or infectious disease exists in any house, any inmate of which attends school, the householder shall, within eighteen hours of the time such disease is known to exist, notify the head or other teacher of such school or schools of the existence of such disease; and no inmate of such house shall attend school until a certificate has been obtained from the local board in cities, towns, villages or rural municipalities, and from a registered medical practitioner in districts organized under *The Local Improvement Act*, that infection no longer exists in said house and that the house, inmates, clothing and other effects have been satisfactorily disinfected; and until such certificate shall have been obtained it shall be the duty of every inmate of the house and of the teacher to use all reasonable efforts to prevent the association of the inmates of the said house with other children.

64. When the local board in cities, towns, villages or rural municipalities is aware of the existence in any house of any communicable or contagious or infectious disease, it shall at once notify the head or other teacher of the school or schools at which any inmate of said house is in attendance, and if

any inmate has been exposed to said disease the teacher shall forthwith prevent such further attendance until such inmate presents a certificate stating that infection no longer exists, as hereinbefore provided.

65. When the head or other teacher in any school suspects that any pupil has a communicable or contagious or infectious disease, or that said disease exists in the house of any pupil, he shall forthwith notify the local board and the parent or guardian of such pupil, and until a medical certificate is produced that such disease does not exist in said house such pupil shall not further attend said school.

66. When the provincial board or local board orders the closing of any school for the purpose of preventing or checking the spread of any contagious or infectious disease, said school shall not be re-opened until ordered by said board.

67. No person suffering from pulmonary tuberculosis shall teach in any school.

68. On and after the first day of January, 1912, no pupil shall be admitted to any school unless and until he produces evidence of successful vaccination: Provided that in rural districts this regulation shall not apply, where by reason of distance from medical attendance its enforcement would work a hardship.

69. Regulation 68 shall not apply to any pupil who produces a certificate according to schedule L, from a medical practitioner, countersigned by the chairman or executive officer of the local board of health, that vaccination may be injurious to the health of the pupil or a certificate according to schedule M, that said pupil is not susceptible to vaccine inoculation. The certificate mentioned in schedule L shall be valid only for three months from date of issue. The certificate mentioned in schedule M shall be valid only for twelve months from date of issue.

(2) The parent or guardian of any pupil who has been refused admittance to any school for non-compliance with regulation 68, shall cause said pupil to be vaccinated within fifteen days after said refusal, and the parent or guardian who fails to comply with this regulation shall be guilty of an offence under these regulations:

Provided that no such parent or guardian shall be liable to punishment if he produces the certificate mentioned in regulation 69.

FOOD AND DRINK.

70. No person shall cut or store any ice to be sold or delivered within any city, town, village or rural municipality without first receiving a written permit from the local board, and said permit shall certify that the proposed source of the ice supply has been inspected and approved, and no ice cut or stored without such permit shall be sold in any city, town, village or rural municipality.

71. No person shall sell or offer for sale as food for man, any of the following: Food which is injured, tainted or spoiled, the flesh of animals which have died of sickness or have been killed while sick, the flesh of calves, swine or lambs killed before they are three weeks old, adulterated milk, or milk from cows affected with tuberculosis or any other disease, adulterated or impure food or drink of any kind.

72. Every executive officer may inspect any animal, dead or alive, meat, fowl, game, fruit, vegetables, grease, bread, flour, milk or other food or drink intended as food for man, offered for sale, or deposited in a place, or being transported in a vehicle for the purpose of being afterwards sold or offered for sale or delivered after being sold; and if, upon inspection, such animal, food or drink is found to be unwholesome, putrid, damaged or infected with the germs of disease, or in any condition such that if used for human consumption they would cause an injury to health, he may seize the same, carry them off and dispose of them so that they shall not be offered for sale or serve for human consumption.

73. In any prosecution under regulation 72 the onus will be on the person charged, that such animal, food or drink was not intended for the food of man.

74. No meat, breadstuff, cake, pastry, fruit, fish, candy, confectionery, or any other article whatever, whether solid or liquid, intended as food for man, shall be kept, sold or offered for sale outside of any store, shop or other building, or in the open doorways or windows thereof, or in any street or public place, unless such article of food shall be kept properly covered so that it shall be protected from dust, dirt and flies, and all vehicles used for the delivery or conveying of any article intended as food for man shall be kept clean, and all such food shall be properly protected from flies, dust or other contamination by suitable covering.

ABATTOIRS.

74 (a) (1) In every city, town or village wherein a municipal abattoir is provided, no person shall sell or offer for sale any meat from an animal which has been killed elsewhere than in such municipal abattoir.

(2) Every city, town or village providing a municipal abattoir shall also provide in conjunction therewith adequate cold storage.

(3) Notwithstanding anything contained in clause 1, any *bona fide* farmer not engaged in the butcher business, may sell or offer for sale the meat of any animal which has been killed by him or his employees on his own farm.

(4) No farmer shall sell or offer for sale in any city, town or village, the meat of any animal killed by him or his employee, on or off his own farm, after having received notice in writing from the local board of health of the city, town, or village, that such selling or offering for sale on the part of the farmer is forbidden.

(5) In every city, town or village wherein no municipal abattoir is provided, the slaughter houses from which the meat supply for the same is obtained shall be periodically inspected by the executive officer of the local board of health of such city, town or village.

(6) No person shall sell or offer for sale in any city, town or village, any meat from an animal which has been killed in any slaughter house which after inspection has been declared in writing by the local board of health of the city, town or village to be insanitary or a menace to public health.

DAIRIES AND MILK.

75. The expression "Dairy" shall include any farm, farmhouse, cow-shed, milk store, milk shop, or other place from or in which milk is supplied or is kept for the purpose of sale, any vehicle used for the delivery or conveying of milk.

76. The expression "Dairyman" shall include any person who keeps one or more cows from which milk is offered for sale, any purveyor or vendor of milk.

77. The local board of every city, town or village shall cause every cow kept for the purpose of public milk supply to be inspected as to its general health, and in addition the said board shall provide for the testing of every such cow by "Tuberculin" by an executive officer at the expense of said board.

78. Any cow whose temperature after injection of tuberculin does not exceed 103 degrees (Fahrenheit) shall be classed as "*Healthy*," unless clinical symptoms of tuberculosis are present.

(2) Any cow showing a temperature after the injection of 104 degrees (Fahrenheit) or over shall be classed as "*Tuberculous*," and every cow which has so reacted to 104 degrees (Fahrenheit) or over shall be immediately isolated from the milking herd, and shall not be allowed to return to any milking herd of cattle.

(3) Any cow whose temperature after the injection does not reach 104 degrees (Fahrenheit), but rises above 103 degrees (Fahrenheit), shall be

classed as "*Suspicious*," and shall be isolated from the milking herd (unless some extenuating circumstances account plainly for the rise), until the executive officer of the local board is satisfied that the animal is not tuberculous and issues a written permit to the owner allowing said animal to return to the milking herd.

79. In the testing of any cow for tuberculosis every local board shall use the tuberculin which is furnished free to the owner of the cattle by the Health of Animals Branch, Department of Agriculture, Ottawa, under the conditions prescribed by the Veterinary Director General from time to time in *The Animal Contagious Diseases Act* or regulations, or order made thereunder, and every owner when instructed by the local board shall make application for the tuberculin as aforesaid.

80. No person shall sell or offer for sale any milk from a cow affected with tuberculosis or any other disease, nor shall any person use, give away, trade or otherwise dispose of such milk.

81. Any executive officer may enter in and upon any cow shed, dairy or other building, farm or dairy yard or other place used by any dairyman, and inspect the said premises, the cattle therein or thereon, and may use at such inspection the "*Tuberculin*" test or such other test as he may deem necessary or expedient, and he may also inspect the stables and premises and all appliances and milk vessels used therein.

(2) The tuberculin test may be employed in all cases, not only with cows giving or intended to give milk for sale as aforesaid, but also with any cattle which are kept within close communication with such cows or any of them.

82. The keeper of any dairy supplying milk in any city, town or village shall obtain a written permit from the local board before he may sell any milk within the boundaries of such city, town or village, or before he may sell any milk from such dairy for the purpose of its being resold therein by any other person.

83. No person shall sell or supply any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "*skimmed milk*," nor shall he keep back any part of the milk known as "*strippings*," nor knowingly sell or supply to any person milk that is tainted or partly sour; provided, however, that this shall not prevent the sale of "*skimmed milk*" by any person if the fact that the same is skimmed milk is made known to the person to whom such milk is sold.

84. No person shall use a dairy as a sleeping place, nor for any purpose incompatible with the proper preservation of the cleanliness of the dairy, and of the milk vessels, and the milk therein, nor in any manner likely to cause contamination of said milk.

85. No dairyman or other person infected with a communicable disease, or who has recently been in contact with a person so infected, shall milk cows or handle milk vessels or containers, nor shall he in any way take part or assist in the business of a dairyman, in the production, handling, distribution or storage of milk, until a certificate has been obtained from the local board that no infection or danger therefrom exists.

86. Every person who is engaged in the business of a dairyman shall keep all cans or other containers used in and about the handling of milk, and all refrigerators or compartments, or other places where milk is kept, stored or handled, in a clean condition and free from the contamination of any article or thing likely to contaminate or injuriously affect the quality or sweetness of the milk, and shall also cause all cans and other receptacles in which milk is kept to be washed clean and sterilized with boiling water or live steam before being used again, and shall cause all pouring cans, dippers, or other vessels used in and about the peddling or vending of milk, to be scalded or sterilized daily, or oftener, if required by the local board, and shall cause all bottles or jars in which milk is sold, offered for sale, or delivered, to be washed clean, scalded or sterilized after each such sale or delivery, and before being used again.

87. Milk kept for sale in any store, shop, restaurant, market, bakery or other establishment shall at all times register on test, a temperature not

higher than 50 degrees (Fahrenheit); and shall be stored in a covered cooler, box or refrigerator; no vessel containing milk for sale shall be allowed to stand outside said cooler, box or refrigerator, except while a sale of said milk is being made, and every such cooler, box or refrigerator shall be properly drained and cared for, and shall be kept tightly closed, except during such intervals as are necessary for the introduction or removal of milk or ice, and the same shall be kept only in such locations and under such conditions as shall be approved by the local board.

88. The water used for watering cattle and for washing the milk utensils shall be free from contamination.

89. A milk house shall be provided which is entirely separate from the stable and the dwelling house, and it shall consist of two parts, one for the cooling and storing of the milk, and the other for the cleansing and sterilizing of all pails, cans, receptacles, strainers or other appliances by boiling water or live steam.

90. Every milk house shall be kept clean and frequently lime-washed throughout, and shall not be used for any purpose except for the handling of milk; it shall be provided with screen doors and windows in order to exclude flies and other insects, and shall not be constructed within fifty feet of any privy, manure heap, or anything else liable to contaminate milk.

91. All vehicles used for the delivery or conveying of milk shall be kept clean, the milk and milk containers conveyed therein properly protected from flies, dust or other contamination, and shall not be used for hauling any swill, garbage, manure or other offensive material.

92. Every person who sells or purposes to sell milk for use in any city, town or village, shall first obtain a license from the local board.

93. Every vehicle used for the delivery of milk shall have attached to same the license number of the dairyman which shall be supplied by the local board.

94. Any local board may suspend a license for noncompliance with the provisions of these regulations.

95. No person shall sell, offer for sale, or deliver any skimmed milk containing less than eight and one-half per cent. of total solids, nor less than one per cent. of butter fat.

96. Milk other than skimmed milk, intended for sale shall have the following minimum composition—

- (a) Specific gravity not less than 1027.
- (b) Fat not less than 3 per cent.
- (c) Solids, not fat, 9 per cent.
- (d) Total solids 12 per cent.

97. Cows milk containing water in excess of 88 per cent. shall be an adulteration.

98. All vessels or containers for holding milk shall be of metal, glass or glazed earthenware, and large milk cans provided with a faucet for house to house delivery shall not be used.

99. Any milk vendor or person delivering milk to customers shall, upon request by the local board or any executive officer, permit a sample or samples of milk being so delivered, or intended to be delivered, to be taken for examination upon payment or tender of the value of such sample or samples, and such vendor or person delivering milk may, at the time of taking of such sample or samples, require the person taking the same to seal up and deliver to him a similar sample or samples taken from the same vessel or vessels, and upon request therefor the same shall be sealed up and delivered to him.

100. Milk found to be adulterated, below standard or unfit for human food, shall by the addition of some odorous substance or colouring matter be denatured forthwith.

101. Every dairy cow shall be kept clean.

102. In every dairy stable there shall be a sufficient number of windows for its adequate lighting and ventilation; the floors shall be sound and well drained, and the mangers, stall partitions, walls and ceilings shall be kept clean and whitewashed at least once every six months.

103. Drinking troughs or individual drinking basins used for the watering of cows, shall be frequently drained and cleaned.

104. Manure shall be removed from the stalls and gutters not less than twice a day, but not within two hours preceding the commencement of milking.

105. Horse manure shall not be used for bedding.

106. In order to prevent dust from settling in the milk, dry fodder shall not be fed to the cows during or just before milking.

107. Manure shall not be allowed to unreasonably accumulate in the barn yard; nor shall it be piled against the stable.

108. No privy shall be allowed within fifty feet of any stable or well.

109. The hands or teats shall not be moistened with milk when milking any cow.

110. Milk strainers shall be kept clean, and scalded before using, and if cloth strainers are used several of them shall be provided in order that they may be frequently changed during the straining of the milk.

111. The pails used for milking shall have as small an opening as can be conveniently used in order to minimize the collection of dust.

112. No can or other utensil for containing or handling milk shall be washed in water in any trough or other receptacle from which any animals are allowed to drink.

113. No pails, cans, utensils, receptacles or other articles used in the dairy, and no milk intended for sale shall be taken into the dwelling house.

114. Milk from diseased cows shall not be used or sold.

115. All milk shall be strained in the milk house.

116. All milk shall be cooled to a temperature of 55 degrees (Fahrenheit) immediately after being drawn, and kept thereafter below that temperature.

117. No dairyman or other person shall use any preservative or colouring matter in any milk.

118. The first few streams from each teat (which contains the most bacteria) shall not be received in any pail or other milk vessel.

119. No milk drawn from any cow 30 days before or five days after calving shall be sold or used as food for man.

120. Milk from cows suffering from violent and constant diarrhoea shall not be sold or used as food for man, and milk of cows suffering from any septic discharges from vulva due to retained after-birth, shall not be mixed with healthy milk, or used as food for man, and such infected cows shall be removed from the milking herd.

121. Regulations 75 to 120, both inclusive, shall apply to dairies and dairymen only.

NUISANCES.

122. The following are hereby declared to be nuisances:

(2) Any well or other water supply, or any ice to be used for drinking purposes which is or has been contaminated, either directly or indirectly, by sewage, garbage or other offensive matter;

(3) Any property, building, house or premises which may be rendered injurious to the health of the inmates, either by faulty construction or by being unsanitary or overcrowded;

(4) Any house, school, workshop, factory, work place or premises not kept in a clean state or not ventilated in such a manner as to render harmless and inoffensive, as far as is reasonable, any gas, vapor, smoke, dust or other impurities, or so overcrowded as to be dangerous to the health of the inmates thereof;

(5) Any pool, stagnant water, ditch, watercourse, urinal, watercloset, earth closet, house drain, sewer, refuse receptacle or cesspool, improperly constructed or in an offensive state or injurious to health;

(6) Any privy-pit, in cities or towns, unless such pit is properly constructed of concrete or of brick lined with cement, so as to be nonporous;

(7) Any discharge into public sewers of gas from chemical substances or any discharge of chemical substances or their residues, if injurious to health;

(8) Any accumulation or deposit of vegetable or animal matter which may be injurious to health;

(9) Any dairy, cowshed, stable, pigsty, poultry yard, slaughter house, abattoir, stock yard, stock pen, or other place which is unsanitary;

(10) Any cemetery or vault therein, which may be injurious to public health by its location, drainage, over-crowding or other improper condition;

(11) Everything declared in writing by the Provincial Board or a local board, to be a nuisance or to be injurious to public health.

123. A complaint that a nuisance exists in or upon any building or land in a health district or that the same are in an unsanitary condition, may be made to the local board by any person affected thereby.

124. Upon receiving a complaint the local board shall forthwith inquire into the matter.

125. When a local board becomes aware of the existence of a nuisance or that any land or building is from any cause whatever in an unhealthy or unsanitary condition, it shall give notice in writing to the person responsible therefor, or to the owner or tenant of such land or building to abate same according to said notice, and if said conditions exist through no fault of the tenant, the owner shall be responsible therefor.

(2) If the medical officer of health of any city or town, upon due examination, is satisfied that any house has for any reason become or is unfit for the purpose for which it is used, or that it has become a nuisance or is in any way a menace to the health of any occupant thereof or of any person residing in the vicinity thereof, the medical officer of health of the city or town wherein the same is situate may issue a notice addressed to the owner of such premises or the agent or person in charge of the same, or any of them, requiring such premises to be put in proper sanitary condition, including the addition and installation of proper sanitary appliances within a stated time, and pending such alterations the local board may require the occupants thereof to quit the premises within such time as the board may deem reasonable.

(3) If the owner, agent or occupant refuses or neglects to comply with the terms of any such notice, the medical officer of health may, either before or after the occupants have left such premises, affix to the house placards declaring the same to be unfit for occupation and forbidding the use of the same.

(4) Any owner, agent or person renting or allowing to be occupied, or any person occupying any such house or part thereof after the posting of a placard declaring the same unfit for occupation and forbidding the use of the same without the consent of the local board, which consent shall not be given until such house has been so altered and cleansed or repaired as to make it fit for habitation to the satisfaction of the board, shall be liable to a penalty of not less than five dollars per day and not more than twenty dollars for each day the same is rented, allowed to be occupied, or occupied, and in default of payment to imprisonment not exceeding thirty days.

(5) In default of the owner of such premises complying with the requirements of the notice of the local board, the said board may if it deems advisable cause such premises to be properly cleansed, make sewer and water connections therewith, instal appropriate plumbing therein or make such alterations

thereto as shall be necessary to put such premises in sanitary condition, at the expense of the owner, and if necessary for such purpose said board may remove or cause to be removed the occupants thereof forcibly.

(6) Every privy or privy pit situated in premises abutting on any street along which a water main and a sewer are laid shall be removed or abolished, and said pit filled in by the owner. In the event of the owner failing for the space of ten days after service upon him of a notice from the medical officer of health to remove or abolish the same and fill in the pit, the local board of health shall forthwith cause the same to be done at the expense of the owner.

126. In the event of noncompliance with said notice, the requirements thereof may be carried out by the local board at the expense of the person responsible therefor, and if the person responsible therefor cannot be found and the local board believes that such conditions exist through no fault of said owner, said requirements may be carried out at the expense of the city, town or village affected thereby, and if in a district organized under *The Local Improvement Act*, at the expense of the Provincial Government.

127. All expenses incurred under regulation 126 may be recovered from the person responsible for such nuisance or unhealthy condition.

128. Every city, town or village shall provide a nuisance ground for the disposal of garbage, swill, refuse, excreta, decaying animal and vegetable matter, and all other such material.

129. No person shall spit on any sidewalk, the floor or walls of any public building, place of assembly, railway coach, or other public conveyance, place of employment, place where food is kept or handled for public sale or use, or anywhere else that may be injurious to public health.

130. No person shall keep any hog within the limits of any city, town or village, without the written permission of the local board.

131. No person shall keep or store any rags, bones or other refuse for purpose of sale, in any building used as a dwelling, or upon any premises within any city, town or village, unless the same are kept or stored under conditions approved of by the local board.

132. No watercloset, compartment, urinal, slop-sink or other sanitary fixture shall be kept in a filthy or unclean condition.

133. No person shall deposit any filthy matter or allow such to run into or upon any public street or ground.

WATER SUPPLY.

134. When in the interest of public health, the examination of any proposed or existing source of public water supply of any city, town, village or rural municipality shows that it is necessary that the water from such source should not be used, unless there is constructed and maintained in connection therewith a system of water purification, the Provincial Board may direct that a system of water purification shall be installed at the expense of the city, town, village or rural municipality affected.

SCAVENGING.

135. Every city, town or village shall provide for the proper cleaning of its streets.

136. Every city, town or village shall provide for its proper scavenging.

CAMPS AND MINES.

137. Where the word "camp" or "mine" is used in these regulations, it shall include the following, namely: Lumber camps, sawmill camps, railway

and other construction camps, railway and other maintenance works, quarries, mines, smelting or cement works located outside of cities, towns, villages or rural municipalities.

138. Where the word "manager" is used in these regulations, it shall include the owner, employer, agent, contractor, foreman or person in charge of a camp or mine.

139. Forthwith after the establishment of a camp or mine, the manager thereof shall advise the Provincial Board in writing, of the location and character of same and of the number of employees engaged therein.

140. Every house, tent, stable, or other building in connection with any camp or mine shall be located in a healthy place, and all premises in connection therewith shall be kept in a sanitary condition.

141. Every house, tent or other building occupied or used by the employees of any camp or mine shall contain at least 300 cubic feet of air space for every occupant thereof, and shall be properly constructed, lighted and heated.

142. Every camp or mine shall have proper accommodation for the cleanliness of the employees.

143. Provision shall be made for the proper disposal of all slops, swill, garbage, manure, and other refuse from the buildings or premises.

144. Provision shall be made for the exclusion of flies from the dining room, kitchen and other places where food is stored or prepared.

145. Latrines or privy pits shall be provided for the use of the employees, and the same shall be properly constructed and located, so as not to be a possible source of contamination to the water supply, and the same shall be kept in a sanitary condition.

146. Every stable and manure heap shall be so located as to be impossible to contaminate the water supply.

147. Provision shall be made for a plentiful supply of pure drinking water for the use of the employees.

148. The employer in every camp or mine shall obtain and keep posted in a conspicuous place in such camp or mine, the regulations of the Provincial Board relating to camps and mines.

149. The manager shall not suffer or allow any employee living or residing on any property of the camp or mine, situated outside a city, town, village or rural municipality to create or maintain any nuisance or to allow said premises to become unsanitary.

150. No employee of any camp or mine, situated outside a city, town, village or rural municipality shall create or maintain any unsanitary condition or nuisance in or about the house or premises he occupies, either by reason of the character of the house, of the water supply, the manner in which he disposes of sewage, excreta, garbage, manure or like material.

151. It shall be the duty of the manager to take every precaution against the spread of contagious or infectious disease in any camp or mine, and particularly to see that the conditions imposed in regulations 16, 17, 18, 20, 21, 22, 23, 24, 26, 30, 31, 33, 41 and 42, where applicable, are carried out and enforced.

152. The expense of disinfection in any camp or mine shall be borne by the manager thereof.

153. The Provincial Board may require the manager of any camp or mine to engage and provide one or more duly qualified medical practitioners to attend and treat any employee infected with a contagious or infectious disease in such camp or mine, and to take such other measures as the said board may deem proper and necessary in the premises.

INTERMENT, DISINTERMENT AND CONDUCT OF FUNERALS.

154. The corpse of every person, which was infected at the time of death with smallpox, chickenpox, diphtheria, scarlet fever, measles, German measles, cholera, cerebro-spinal meningitis, bubonic plague, anthrax, and such other contagious or infectious diseases as may be declared by the local board or the Provincial Board, shall be disinfected in the manner described in schedule H, and kept isolated in the room in which he died up to the moment of the funeral.

155. No person except the officiating clergyman, undertaker and those whose attendance is absolutely necessary shall attend the funeral or burial of any person who was infected at the time of death with any disease mentioned in regulation 154, or such other contagious or infectious disease as may be declared by the local board or the Provincial Board, unless the corpse of said person has been placed in an air-tight, metal-lined, hermetically sealed coffin or casket.

156. The corpse of every person, which was infected at the time of death with any disease mentioned in regulation 154, or such other contagious or infectious disease as may be declared by the local board or the Provincial Board, shall be buried within thirty-six hours after death, unless such corpse be placed in an air-tight, metal-lined hermetically sealed coffin or casket, or unless a certificate is obtained from the local board extending said time for burial.

157. Unless written permission is given by the local board or by the Provincial Medical Officer of Health, the corpse of every person, which was infected at the time of death with any disease mentioned in regulation 154, or such other contagious or infectious disease as may be declared by the local board or the Provincial Board, shall not be taken into any church, chapel or public vault, but the same shall be transferred directly from the place of death to the place of burial.

158. Banners, door-drapes or other mourning draperies, ornaments or decorations, shall not be taken by any undertaker or other person into any house infected with any contagious or infectious disease.

159. The corpse of any person shall not be disinterred until a permit, signed by the Provincial Medical Officer of Health, has been issued therefor.

TRANSPORTATION OF CORPSES.

160. The corpse of every person which was infected with any contagious or infectious disease, at the time of death, shall not be carried by any transportation company or common carrier without a permit signed by the Provincial Medical Officer of Health.

Said permit may be issued if the corpse has been prepared as follows:

1. (a) Arterial and cavity injection with a proper disinfectant solution;
(b) Disinfecting and stopping all orifices with absorbent cotton;
(c) Washing the corpse with an approved disinfectant solution;
(d) Encasing the corpse in an air-tight, metal-lined, hermetically sealed coffin or casket, enclosed in a strong outside wooden box, which shall be provided with at least four strong handles.
2. Or by such other method or under such other conditions as may be prescribed in said permit.

161. The corpse of any person which was not infected by any contagious or infectious disease, at the time of death, shall not be carried by any transportation company or common carrier without a written permit from the local board in cities, towns or villages, or from the Provincial Medical Officer of Health in districts organized under *The Local Improvement Act*.

Said permit may be issued if the corpse has been prepared satisfactorily to said board or Provincial Medical Officer of Health, and said corpse shall be encased in a sound, nonporous coffin or casket enclosed in a strong outside wooden box, provided with at least four strong handles.

162. The disinterred corpse of any person which was infected with any contagious or infectious disease at the time of death, shall not be carried

by any transportation company or common carrier without a permit signed by the Provincial Medical Officer of Health.

Said permit may be issued if the disinterred corpse has been prepared satisfactorily to said Provincial Medical Officer of Health, and said corpse shall be encased in an air-tight, metal-lined, hermetically sealed coffin or casket enclosed in a strong outside wooden box, which shall be provided with at least four strong handles.

163. The disinterred corpse of any person which was not infected by any contagious or infectious disease, at the time of death, shall not be carried by any transportation company or common carrier without a permit signed by the Provincial Medical Officer of Health.

Said permit may be issued if the disinterred corpse has been prepared satisfactorily to said Provincial Medical Officer of Health, and said corpse shall be encased in an air-tight, metal-lined, hermetically sealed coffin or casket, enclosed in a strong outside wooden box, which shall be provided with at least four strong handles.

PLUMBING.

164. The council of every city, town or village, having a system of sewerage in use or under construction, shall appoint a properly qualified plumbing inspector who shall be a plumbing mechanic having qualifications satisfactory to the Provincial Board.

165. The plumbing inspector shall examine and test all plumbing work within the city, town or village.

166. Every local board shall supply the plumbing inspector with a proper outfit with which he may efficiently test all plumbing and house drains.

167. Any person desiring to do business as a plumber in connection with the sewerage system shall file in the office of the local board an application for a yearly license, giving his name and place of business, and asking to be licensed as a plumber. Said application shall be accompanied by proof that he is a master of his trade, and shall declare that he is willing to be governed in all respects by the rules and regulations which are or may be adopted by the local board.

168. Before a written permit is issued for doing plumbing work in a building, or before any additions are made to said work (excepting necessary repairs), a plan and description of the work to be done, on blank forms furnished for the purpose by the local board, shall be filed in the office of the plumbing inspector, and no such work shall be commenced until such plans shall have been approved by the plumbing inspector.

169. A written permit may be granted or refused within a reasonable time after receipt of the application thereof, and if granted it shall be valid for six months from the date of issue.

170. Every plan shall contain a clear and full description of the plumbing showing the position, size, kind of traps, closets and other fixtures.

All work done under such plans shall be subject to the inspection of the plumbing inspector, and no alteration shall be made in any plan or in the work without a permit in writing from him.

171. The plan shall be drawn to a scale and shall be clearly legible, a scale of one inch to eight feet being preferred. It shall be either an original drawing on paper of good material or on tracing linen or a blue print copy.

172. Written permission to make connection with the sewerage system shall be granted only when the plumbing in the house or building to be connected has been inspected and approved by the plumbing inspector; provided that said permission shall not be necessary in new buildings when a proper plan for the plumbing has been approved by the plumbing inspector.

173. The plumbing inspector shall be notified in writing when the work is ready for inspection, and all work shall be left uncovered and convenient for examination until inspected and approved. Such inspection shall be

made within a reasonable time after such notification. The plumbing inspector may demand that the peppermint water, smoke or other approved test be applied, and the plumber shall furnish all necessary labour and assistance for such tests. The plumber shall remove or repair any defective material or labour when so ordered by the plumbing inspector.

174. If the plumbing be not found satisfactory upon the first test, a reasonable time shall be given the plumber in which to make the necessary changes, repairs or renewals, when the work shall be again tested and inspected.

175. When all the proposed fixtures have been placed in position a final test shall be made upon the work.

176. When the work has been finally tested and found satisfactory to the plumbing inspector, a proper certificate of inspection and testing shall be affixed to the vertical soil pipe in the cellar and a certificate granted to the plumber.

177. The plumber shall on the completion of the work file in the office of the plumbing inspector, on blank forms furnished for that purpose by the local board, a correct statement of the work done under the permit.

178. Cellar cistern overflow pipes may be connected with the sewer or house drain only when they can be trapped in such manner that the water seal cannot be destroyed.

179. Before any old house drain, for which a certificate of inspection has not been granted, shall be connected with the sewerage system, the owner thereof shall prove to the satisfaction of the plumbing inspector that such drain is clean and properly constructed.

180. Every cellar shall be drained either by means of suitable, properly laid earthenware tile or cement pipes connected with a subsoil drainage system, or by means of a suitable catch-pit, properly fitted with an approved cast iron trap connected with the house drain. The catch pit shall be provided with a proper cover or grating to prevent the entrance of floating matter, debris, vegetables, sweepings, sand, mud, or other deleterious matter, and such precautions shall be taken as the plumbing inspector may direct to prevent the inlet to trap from becoming blocked or choked. The cellar drain trap shall not be placed in the main line of drain.

181. Where a soil pipe passes through a cellar or basement above the floor, it shall be properly supported by masonry, brickwork or concrete piers, by brackets along the side walls, or by stirrups from the floor beams above. The piers, brackets or stirrups shall be placed at intervals of not more than seven feet apart.

182. No soil pipe shall be laid or placed under or beneath a basement or cellar floor without the written consent of the plumbing inspector, and then in such manner only as he shall direct.

183. All materials used shall be of good quality and free from defects; the work shall be executed in a thorough and workmanlike manner.

184. Every soil pipe, waste pipe or vent pipe, used within any building, shall be of wrought iron with screwed joints, cast iron with securely leaded joints or of lead pipe with wiped joints, and every pipe inside the building and extending three feet on the outside thereof shall be of wrought or cast iron with joints as above mentioned.

185. All fittings used in connection with such pipe shall correspond with same in weight and quality. Where lead pipes are used to connect fixtures with vertical soil and waste pipe, or to connect traps with vertical vent pipes, same shall not be lighter than the standard hereinafter described.

186. The arrangement of soil and waste pipes shall be as direct as possible. Where said pipes are necessarily placed within partitions or in recesses of walls, the same shall be covered with woodwork so fastened with screws as to be readily removable.

187. All traps shall be placed where the same shall be open to view at all times.

188. A main waste pipe into which wash-basins, bath tubs or kitchen sinks discharge, shall be at least two inches in diameter and all branch pipes shall be at least one and a quarter inches in diameter.

189. The soil pipe from the point of connection with the house drain to the house top shall be four inches in diameter throughout.

190. A main drain trap may be placed in the soil pipe and a fresh air inlet connecting with the soil pipe may be placed just above the main drain trap. A sewer ventilating pipe may be placed in the soil pipe connecting therewith just below the main drain trap, and such sewer ventilating pipe shall be carried through the roof.

191. The fresh air inlet connecting with the soil pipe, as mentioned in the immediately preceding regulation, shall be carried through the roof.

192. The cost of installing the sewer ventilating pipe leading to the roof, as mentioned in regulation 190, shall be borne by the city, town or village in which the sewerage system is installed.

193. Every vertical soil ventilating or waste pipe stack shall be extended at least six inches above the roof; said stack shall be of undiminished size, without return bend, but with open or basket end. The same shall not open near a window nor an air shaft which ventilates a living room. Should it become blocked by ice the same shall be immediately relieved at the expense of the owner of the house; provided that the sewer ventilating pipe mentioned in regulation 190 shall be relieved at the expense of the city, town or village in which the sewerage system is installed.

194. All joints in iron drain, soil, ventilating and waste pipe, except where screw joints are used, shall be so filled with oakum and lead, and hand caulked as to make them gas tight.

195. All connections of lead pipe with iron pipe shall be made with a brass sleeve or ferrule of the same size as the lead pipe, and the same shall be put in the hub of the branch of the iron pipe and caulked with lead. The lead pipe shall be attached to the ferrule by a wiped joint.

196. Before the fixtures are placed in connection with the rough plumbing of any house or building, and before the soil pipe is connected with the house drain, the outlet of the soil pipe at a point three feet outside of the house, together with all openings in same below the top, shall be hermetically sealed; the pipe shall then be filled with water to its top, and the whole system be carefully examined for leaks. Defective pipes discovered shall be removed and replaced by sound ones, all defective joints made tight, and every part of the work shall be made to conform with these regulations, and shall be subject to the approval of the plumbing inspector.

197. Every water closet, urinal, basin, sink, wash tray, bath tub or other fixture shall be effectually trapped, and all traps shall be placed as near the fixtures as practicable, but shall not be more than one foot therefrom. In no case shall waste water pipes from bath tubs or other fixtures be connected with the water closet trap.

198. Every sink in any butcher shop, hotel, or restaurant shall be provided with a proper grease trap.

199. Every trap shall be protected from syphonage by the use of appliances as provided in these regulations, or in the alternative, the waste pipe leading from the trap shall be ventilated by a special ventilating pipe placed near the crown of the trap. In no case shall the ventilating pipe be less than two inches in diameter for water closet traps, and one and one-quarter inches in diameter for other traps, except when said pipe is more than fifteen feet in length, in which event it shall not be less than one and a half inches in diameter.

200. The vertical ventilating stack for traps of water closets in buildings more than four stories in height shall be at least three inches in diameter,

with two inch branches to each trap, and for traps of other fixtures the branches shall not be less than two inches in diameter, unless the trap is smaller, in which case the diameter of the branch ventilating pipe shall be at least equal to the diameter of the trap. In all cases ventilating pipes shall be of cast or wrought iron and connected to traps with lead branch and brass solder nipple or ferrule.

201. Every ventilating pipe (except the sewer ventilating pipe from the lower side of the main drain trap), may be branched into a soil pipe above the inlet from the highest fixture; the same may be combined by branching together those which serve several traps, and said pipes shall always have a continuous slope to avoid collecting water by condensation.

202. No ventilating pipe shall be used as a waste or soil pipe.

203. No brick, sheet metal, earthenware or chimney flue, shall be used as a sewer ventilator, nor shall same be used to ventilate any trap, house drain, soil or waste pipe.

204. Every lead safe under a wash tray, urinal, water closet or refrigerator shall be drained by a special pipe not directly connected with any waste pipe, soil pipe or house drain. The drip pipe from a refrigerator shall not be connected directly with the soil or waste pipe, nor with the house drain.

205. Every overflow from a fixture shall be connected on the inlet side of the trap.

206. Every water closet shall be of a pattern approved by the plumbing inspector and shall be supplied either from a flushometer or from a special tank placed over same, and the water or overflow from the tank shall discharge into the open air of the basin of the closet and not into the soil pipe directly.

207. Every water closet shall be supplied with a flush of not less than three imperial gallons of water.

208. Every exit-pipe to a fixture, except water closets, shall be furnished with a suitable, permanently attached strainer.

209. For wrought iron soil and waste pipe the fittings shall be extra heavy cast iron, recessed and threaded drainage fittings.

210. Lead pipe shall not be of less than the following weights:

1 inch diameter or less shall not be allowed.

1¼ inch diameter, 2½ lbs. per lineal foot.

1½ inch diameter, 2¾ lbs. per lineal foot.

2 inch diameter, 3½ lbs. per lineal foot.

211. Where lead pipe is used it shall be supported on boards laid with the same inclination as provided for waste pipes, or in other manner approved by the plumbing inspector.

212. Brass ferrules for 4 inch pipe shall not weigh less than 2½ lbs. each, for three inch pipe not less than 1¾ lbs. each, and for two inch pipe not less than 1¼ lbs. each.

213. Soldering nipples shall be of heavy cast brass or of brass pipe of the following weights:

For four inch pipe, 3½ lbs.; for three inch pipe, 2 lbs.; for two inch pipe, 14 ounces; for one and a half inch pipe, 8 ounces.

214. Four inch soil pipe shall weigh not less than nine pounds per lineal foot, and six inch soil pipe not less than 15 pounds per lineal foot, and this weight of pipe shall be used for ventilating pipes also.

215. Every soil pipe shall be provided with one or more cleaning-out screws, which shall be placed so as to be easily accessible at all times.

216. Above the basement the soil pipes, waste pipes and other fixtures shall be securely supported from the side walls, floors and partitions by wrought iron stirrups and fastenings in such a manner as will prevent breakages of joints and pipes by unequal settlements.

217. Any subsoil or surface water drain from a house or premises may be connected to the sewerage system by means of proper concrete or brick catch-pit set in cement, properly fitted with an approved cast iron trap.

218. When the soil pipe passes through the outer wall there shall be constructed a relieving arch satisfactory to the plumbing inspector.

219. The approximately horizontal portion of every soil pipe and waste pipe shall be given an inclination towards the outlet of not less than one-half inch to the foot, if such be possible, but in no case shall the fall be less than one-quarter of an inch to the foot.

220. The waste pipe from fixtures shall be of the following sizes:

- For water closets, 4 inches in diameter.
- For slop hoppers, 3 inches in diameter.
- For laundry tubs, $1\frac{1}{2}$ to 2 inches in diameter.
- For urinals, $1\frac{1}{2}$ to 2 inches in diameter.
- For bath tubs, $1\frac{1}{2}$ to 2 inches in diameter.
- For kitchen sinks, $1\frac{1}{2}$ to 2 inches in diameter.
- For wash basins, $1\frac{1}{4}$ to $1\frac{1}{2}$ inches in diameter.

221. No fixture shall drain through more than one trap exclusive of the main drain trap, and no trap shall be placed at the foot of the vertical portion of a soil or waste pipe.

222. Water sealing traps of any pattern approved by the plumbing inspector may be used when separate ventilating pipe connections are provided near the top of the traps.

223. Every trap, except water closet traps, shall be provided with proper, heavy clean-out screws of brass.

224. The clean-out screws shall be of such size that the trap may be readily cleaned. Clean-out screws for larger traps than four inches shall not be less than four inches in diameter. All clean-out screws shall be easy of access without the necessity of cutting floors, walls or ceilings.

225. Every waste pipe from a bath, basin or other fixture shall have a separate fitting or connection on soil pipe to receive the same.

226. All lead traps shall be of solid drawn lead; cast lead traps shall not be allowed.

227. Urinals shall be of porcelain or other nonabsorbent material approved by the plumbing inspector.

228. The walls and floors where urinals are placed shall be of nonabsorbent materials.

229. Every room in which a water closet, urinal or slop sink is placed shall be well lighted and shall be properly ventilated by a window opening directly to the external atmosphere, or by an air-shaft approved by the plumbing inspector.

230. Bath tubs, sinks, wash basins, wash trays and other similar fixtures shall be of nonabsorbent material.

231. No drain nor drip from any steam boiler, range boiler, heating furnace, nor overflow from any cistern, tank, or other fixture shall be directly connected with any soil pipe, waste pipe or sewer connection, but shall discharge openly into a sink or other fixture.

232. Where the trap to a water closet is above the floor level, the connection with the soil pipe shall be made by bolting the closet flange to a heavy cast brass floor-plate soldered to the lead soil pipe, or in some other manner approved by the plumbing inspector. The joint shall be made gas and water tight. The brass flange shall not be less than three-sixteenths of an inch thick.

233. No inverted joints shall be allowed in any cast iron pipe below any fixture.

234. No woodwork shall be placed at the front or sides of any water closet bowl, wash basin, bath tub or sink.

235. A proper check valve or mechanical back water trap shall be placed by the owner on every house drain, in addition to the main drain trap, where there is any possible danger of flooding from the sewer.

236. The whole of that portion of every rain water leader which is within a house, if the same is connected with a soil pipe, shall be of heavy cast iron pipe and shall be properly jointed and trapped.

237. No rain water leader shall be used as a soil pipe, waste pipe or ventilating pipe, and no soil pipe, waste pipe or ventilating pipe shall be used as a rain water leader.

238. Any executive officer of a city, town or village shall be permitted to examine all plumbing work and fixtures at all reasonable times.

239. In installing plumbing fixtures in any building, separate ventilating pipe connections may be omitted, if anti-syphon or re-sealing traps be used, provided—

- (a) That the anti-syphon or re-sealing traps are accompanied by a guarantee, from the maker or dealer offering the same for sale, to stand the test prescribed by the plumbing inspector against unsealing by syphonage;
- (b) That such guarantee and test is approved of and satisfactory to the Provincial Board.

HOUSE DRAINS.

240. The plumbing inspector shall examine and test all house drains between the boundary line of the street and the soil pipe of the house situated on any land or lot.

241. No person shall lay or alter any house drain between the boundary line of the street and the soil pipe of the house, make any connection whatever with any house drain situated as aforesaid, do any kind of work connected with the laying of such house drain, make any additions or alterations to any house drain connected, or designed to be connected, with the sewerage system, without first notifying the plumbing inspector.

242. The house drain from a point three feet outside the house to the sewer at the boundary line of the street shall be of first quality, salt-glazed, vitrified, earthenware pipe or other pipe approved by the Provincial Board. The interior of same shall not be less than four inches, nor greater than six inches in diameter, but the plumbing inspector may authorize the use of a pipe of another size.

243. The pipe shall be laid on an even grade of not less than one in thirty for a four inch pipe and one in seventy for a six inch pipe, but the plumbing inspector may authorize that said pipe be laid on a different grade.

244. Before any portion of the house drain trench, between the boundary line of the street and the soil pipe of the house, is filled in, the said drain shall be examined by the plumbing inspector; defective pipes discovered shall be removed and replaced by sound ones; all defective joints shall be made tight and every part of the work done shall conform with these regulations and the requirements of the plumbing inspector.

245. The person laying said house drain shall furnish all necessary material, labour and assistance for such examination.

246. Regulations 164 to 245 inclusive shall apply to cities, towns and villages only.

PERMITS, CERTIFICATES, ETC.

247. Every written or printed permit, certificate or other document, authorized under regulations 164 to 246 both inclusive, shall be signed by the plumbing inspector.

248. Every written or printed permit, order, warrant, certificate or other document, authorized under these regulations by any local board, shall be signed by the Medical Officer of Health, or the secretary thereof.

249. Every written or printed permit, order, warrant, certificate or other document, authorized under these regulations by the Provincial Board, shall be signed by the chairman thereof or the Provincial Medical Officer of Health.

(a) Any person other than those mentioned in regulation 249 who signs, issues or authorizes any written or printed permit, order, warrant, certificate or other document mentioned in said regulation shall be guilty of an offence under these regulations.

COMMON DRINKING CUPS.

250. On and after the first day of January, 1912, no cup, glass or other utensil used for drinking purposes ordinarily known as a "common drinking cup," in schools, hotels, boarding houses, apartment houses, tenement buildings, theatres, public buildings and factories, or in connection with any public drinking fountain or water faucet in any street or park, shall be provided for the common public use.

PENALTIES.

251. Any person violating any of the provisions of these regulations shall on summary conviction before a justice of the peace or a police magistrate, be liable to a penalty of not more than fifty dollars (\$50.00) and costs.

252. The provisions of Part XV, Chapter 146 of the Revised Statutes of Canada, 1906 (*The Criminal Code*), shall apply to all prosecutions under these regulations.

EDMONTON, ALBERTA,
June 9th, 1911.

W. C. LAIDLAW, M.B.,
Provincial Medical Officer of Health.

SCHEDULE A.

Period of Quarantine:

German measles.....	1 to 2 weeks.	
Measles.....	2 to 3 weeks.	
Cholera.....	6 weeks.	
Scarlet fever or Scarletina, at least four weeks, and until all desquamation, and all discharge from the ears, nose and throat has ceased, and all suppurating glands are healed, when after disinfection of the skin of the whole body by an inunction of camphorated oil B.P. or carbolic oil 2 per cent. followed by a warm bath; the patient may be released from quarantine.		Dated from the commencement of the disease.
Diphtheria.....	4 to 8 weeks. or a shorter period if an examination by a bacteriologist approved by the Provincial Board has shown the parts as free from bacilli.	
Smallpox and chickenpox, until all scabs have disappeared and the skin is smooth.		
The following to be isolated from the public until cured, need not be placarded—		
Trachoma, scabies (itch), ringworm, impetigo contagiosa, ophthalmia-neonatorum and pediculosis (lice).		

O. in C. 353/15.

SCHEDULE B.

Solutions for disinfecting discharges in the sick room:

- (a) Chloride of lime (fresh), 5 ounces; water, 1 gallon; mix; or
- (b) Carbolic acid, 5 ounces; water, 1 gallon, mix; or
- (c) Quick lime (fresh), 2 lbs.; water, 1 gallon, mix; or
- (d) Mercuric chloride, 2 drachms; water, 1 gallon.

SCHEDULE C.

Disinfection of mails:

Formalin, 2 ounces, in a mail bag tightly closed for at least four hours.

Puncture of the envelopes and letters with a hat pin or large needle facilitates the penetration of the gas.

SCHEDULE D.

Disinfection of clothing and bedding:

- (a) Clothing and bed linen soiled by discharge—
 - (1) Destruction by fire; or
 - (2) Immersion for at least four hours in solution of mercuric chloride, 1 drachm to the gallon of water; or
 - (3) Immersion for at least four hours in solution of carbolic acid, 2 ounces to the gallon, then boiling or exposure to superheated steam; or
 - (4) Formalin in air-tight box, at the rate of 8 ounces to 1,000 cubic feet. Exposure for at least four hours.
- (b) Mattresses, blankets, etc.—
 - (1) Destruction by fire; or
 - (2) Immersion in boiling water for at least one hour; or
 - (3) Immersion in solution of mercuric chloride, 1 drachm to the gallon, for at least four hours; or
 - (4) Formalin in air-tight box, at the rate of 8 ounces to 1,000 cubic feet. Exposure for at least four hours.

SCHEDULE E.

Disinfection of furniture and articles of wood, leather and porcelain:

Thorough washing with—

- (1) Mercuric chloride solution, 2 drachms to the gallon; or
- (2) Fresh chloride of lime solution, 2 ounces to the gallon; or
- (3) Solution of carbolic acid, 2 ounces to the gallon; or
- (4) Formalin in air-tight box or room at the rate of 8 ounces to 1,000 cubic feet.

Exposure at least four hours.

SCHEDULE F.

Disinfection of houses:

- (1) Formalin at the rate of 8 ounces to 1,000 cubic feet sprayed or sprinkled on sheets in various rooms for at least four hours.
- (2) By the formalin-permanganate method (preferred) for at least four hours.

This requires seven and a half ounces of potassium permanganate, powdered or in fine needles, and one pint of formalin for each 2,000 cubic feet of room space to be disinfected. The permanganate must be put in the container before the formaldehyde solution. The vessel in which the mixture is made should be of considerable size, in order that the vigorous foaming will not cause overflowing. A flaring ten quart tin pail may be used; it need not be high. If the bottom of the dish be so wide that the requisite amount of permanganate just conceals it and the sides be eight inches high there will be no overflow from foaming or spattering.

- (3) After disinfection by methods (1) or (2) wipe over the surfaces of all floors, walls and ceilings with a sponge or cloth, wet with a solution of mercuric chloride, 1 drachm to the gallon of water (no soap to be used with this solution).

SCHEDULE G.

Disinfection of the person:

Hands and general surface of the body of attendant of sick and of convalescents, to be washed with—

- (1) Solution of carbolic acid, 2 ounces to the gallon; or
(2) Solution of mercuric chloride, 1 drachm to the gallon.

SCHEDULE H.

Disinfection of the dead:

Envelope the body in a sheet thoroughly saturated with—

- (1) Mercuric chloride solution, 2 drachms to the gallon; or
(2) Carbolic acid solution, 5 ounces to the gallon; and place in a coffin and close up permanently, and inter within 36 hours.

SCHEDULE I.

Precautions to be taken by physicians and nurses or others visiting cases of contagious and infectious diseases:

- (1) Either disinfection of clothing and exposed parts of the person after leaving the sick room; or
(2) The wearing of a garment to completely cover the ordinary clothing, and removal of same and disinfection of exposed parts of the person, before leaving premises.

SCHEDULE J.

Disinfection of a stable, enclosure, litters, excrements, blood and other contaminated liquids:

Stable—

- (1) Close all outlets, then fumigate.
(2) Wash the walls, ceilings and floors with a solution of bichloride of mercury, 2 drachms to one gallon of water.
(3) Whitewash with lime, the walls, ceilings and floors.

Enclosure—

Remove the earth to a depth of three inches and bury it at least a foot deep. Whitewash with lime the walls of the enclosure.
Litter, excrements, blood and other liquids from the sick animal—
Burn them, or bury them a foot deep at least, after covering them with quick lime.

SCHEDULE K.

CERTIFICATE OF VACCINATION.

I, the undersigned, hereby certify that.....child
of....., aged....., residing at.....
....., has been successfully vaccinated by me.
Dated at....., this.....day of
....., 19.....

(Signature).....
M.D.

SCHEDULE L.

CERTIFICATE THAT CHILD IS NOT FIT FOR VACCINATION.

I, the undersigned, hereby certify that I am of opinion that.....
 the child of.....aged.....
 residing at.....is suffering from.....
 and is not now in a fit and proper state to be
 successfully vaccinated, and I do hereby postpone the vaccination until
 the.....day of.....

This certificate is valid only for three months from this date.

Dated at....., this.....
 day of....., 19.....
 (Signature).....

Countersigned:.....M.D.

Chairman or Executive Officer of the Local Board of Health.

SCHEDULE M.

CERTIFICATE THAT CHILD IS NOT SUSCEPTIBLE TO VACCINATION.

I, the undersigned, hereby certify that I am of opinion that.....
 child of.....aged.....
 residing at....., is insusceptible to vaccine
 inoculation.

This certificate is valid only for one year from this date.

Dated at....., this.....
 day of....., 19.....
 (Signature).....

M.D.

SCHEDULE N.

EXPROPRIATION OF LAND.

Take notice that by virtue of *The Public Health Act*, and the regulations made thereunder, possession has been taken or obtained (*as the case may be*), of the following land or building (*as the case may be*), namely:

And further take notice that such land or building will be occupied and used for the purpose of the said Act and regulations, from and after the date hereof, for a period of....., or such other time as may in the discretion of the undersigned be necessary.

Dated at....., this.....
 day of....., 19.....
 (Signature).....

For Local Board of Health.

SCHEDULE O.

APPOINTMENT OF AN EXECUTIVE OFFICER.

We hereby appoint.....an executive officer, such
 service to extend from.....to.....
 to carry out our instructions.

Dated at....., this.....
 day of....., 19.....
 (Signature).....

For Local Board of Health.

SCHEDULE P.

NOTICE OF CASE OF NOTIFIABLE DISEASE.

Name of disease.....
 Name of patient.....

Sex.....Age.....
Occupation.....
Name of householder.....
Post office address.....
Location of case: Street.....Number.....
or Section..... $\frac{1}{4}$ Section.....Township.....
Range.....west of.....
Meridian.....
Date of first visit of attending physician.....
Name of school attended by any child or teacher from house where case is.....
Measures employed for quarantine isolation, disinfection.....
Remarks.....
Date.....
Signature and address of physician.....M.D.

SCHEDULE Q.

The following shall be the form of placard under regulations relating to quarantine:

<p>QUARANTINED. (Capitals of not less than 2 inches.) NAME OF DISEASE. (Capitals of not less than 2 inches.) Any person leaving or entering these premises will be prosecuted according to law and liable to a penalty of \$50.00 and costs.</p>
--

The following shall be the form of placard under regulations relating to modified quarantine:

<p>MODIFIED QUARANTINE. (Capitals of not less than 2 inches.) NAME OF DISEASE. (Capitals of not less than 2 inches.)</p>
--

1910
(SECOND SESSION)

CHAPTER 18.

**An Act respecting the Rights of Married Women in the
Estates of their Deceased Husbands.**

(See also Married Woman's Home Protection Act, 1915, cap. 4.)

(Assented to December 16, 1910.)

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Alberta, enacts
as follows:

1. This Act may be cited as "*The Married Women's Relief* Short title
Act."

2. The widow of a man who dies leaving a will by the terms of which his said widow would in the opinion of the judge before whom the application is made receive less than if he had died intestate may apply to the Supreme Court for relief. Widow may
apply to
Supreme
Court for
relief

3. The application may be made by notice of motion in the matter of the estate of the deceased. Application
to be made
by notice
of motion

4. The notice of motion shall be served upon the executors named in the will or upon any person to whom a grant of letters of administration with will annexed has been made, six clear days before the motion is returnable. Service of
notice of
motion

5. The court may direct any other person to be served with notice of the application, and the practice and procedure of the Supreme Court upon applications in chambers shall so far as the same are found to be applicable apply to proceedings under this Act save as herein otherwise provided. Practice and
procedure
upon motion

6. The application shall be supported by an affidavit of the applicant setting forth fully all the facts entitling her to relief under this Act. Affidavit of
applicant

7. The court may direct such other evidence to be given in addition to the evidence adduced by the parties to the application and in such manner as shall seem necessary or proper. Other
evidence may
be given

8. On any such application the court may make such allowance to the applicant out of the estate of her husband disposed of by will as may be just and equitable in the circumstances. Circumstances
governing
grant of
allowance

9. Any such allowance may be by way of an amount payable annually or otherwise, or of a lump sum to be paid, or of certain property to be conveyed or assigned either absolutely or for life or for a term of years to the applicant, or for her use and benefit as the court may see fit; and in the event of a conveyance Allowance
may be by
lump sum or
otherwise

of property being ordered, the court may give all necessary and proper directions for the execution of the conveyance or conveyances, either by the executors or administrators or such other person as the court may direct, or may grant a vesting order.

Defences
available

10. Any answer or defence that would have been available to the husband of the applicant in any suit for alimony shall equally be available to his executors or administrators in any application made under this Act.

Enforcement
of order

11. Any order made by the court upon the application may be enforced against the estate of the deceased husband in the same way and by the same means as any other judgment or order of the court against the estate of the deceased may be enforced, and the court may make such order or direction or interim order or direction as shall seem necessary to secure to the applicant payment out of the estate of such sum or sums as she shall be found entitled to.

Application
to be made
within six
months of
death of
husband

12. No application shall be entertained under this Act after six months from the death of the husband.

1910

(SECOND SESSION)

CHAPTER 19.

An Act respecting Hail Insurance.

(*Repealed*—1911-12, c. 7, s. 6.)

1910

(SECOND SESSION)

CHAPTER 20.

An Act respecting the Sugar Beet Bonus.

(Assented to December 16, 1910.)

WHEREAS by Act of the Legislature, being chapter 37 of the Statutes of 1906, a fund was provided for the encouragement of the sugar beet industry in the province;

And whereas by the terms of the said Act as amended by section 21 of chapter 5 of the Statutes of 1907, it was amongst other matters and things provided that (recite section 3 as amended);

And whereas the Knight Sugar Company, Limited, have heretofore been the only claimants upon the said fund, and there has been paid to the said Knight Sugar Company, Limited, the sum of \$63,008.29 under the said Act as follows, namely: In the year 1907, \$23,366.50; in the year 1908, \$21,464.50; in the year 1909, \$9,388.04; in the year 1910, \$8,789.25, and there will or may become and be payable to the said Knight Sugar Company, Limited, the sum as provided for by the said Act as amended, and under the terms, conditions and provisions thereof, for the year 1911, whereupon all claims of the said Knight Sugar Company, Limited, upon the said fund or under and by reason of the said Act as amended shall under the terms thereof cease and determine;

And whereas it appears inexpedient to continue the provisions in the said Act as amended contained for the further encouragement of the sugar beet industry in the province;

Now therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. That the said Act, being chapter 37 of the Statutes of 1906, as so amended by section 21 of chapter 5 of the Statutes of 1907, be and the same is hereby repealed.

2. Nothing herein shall be taken to apply to affect or prejudice any claim or claims of the Knight Sugar Company, Limited, under and by virtue of the terms of the said Act, but such claim or claims of the Knight Sugar Company, Limited, shall be as valid and shall be payable and paid out of the said fund (subject to the terms, conditions and provisions in the said Act as amended contained), as if this Act had not been passed.

1910

(SECOND SESSION)

CHAPTER 21.

An Act to amend The Alberta Land Surveyors' Act.

(Consolidated in chapter 2 of 1910 (1st Session).)

NOTE.—Chapters 22 to 55 inclusive of 1910 (2nd Session) are private Acts.

1911-12

CHAPTER 1.

An Act for Granting to His Majesty Certain Sums of Money for the Public Service of the Fiscal Years ending respectively the Thirty-first Day of December, 1911, and the Thirty-first day of December, 1912.

(Assented to January 31, 1912.)

Most Gracious Sovereign:

WHEREAS it appears by Messages from His Honour George Hedley Vicars Bulyea, Lieutenant Governor of the Province of Alberta, and the Estimates accompanying the said Messages, that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Alberta not otherwise provided for during the financial periods ending respectively the thirty-first day of December, one thousand nine hundred and eleven, and the thirty-first day of December, one thousand nine hundred and twelve, and for other purposes relating thereto: May it therefore please Your Majesty that it may be enacted and be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Assembly of the Province of Alberta as follows:

1. This Act may be cited as "*The Appropriation Act, 1911 and 1912.*"

2. From and out of the general revenue fund there may be paid and applied a sum not exceeding in the whole one hundred and twenty-six thousand eight hundred and sixty-one dollars and seventy-seven cents towards defraying the several charges and expenses of the Public Service from the first day of January to the thirty-first day of December in the year of our Lord one thousand nine hundred and eleven not otherwise provided for and set forth in schedule A to this Act.

3. From and out of the general revenue fund there may be paid and applied a sum not exceeding in the whole ten million three hundred and sixty-eight thousand seven hundred and ninety-eight dollars and twenty cents towards defraying the several charges and expenses of the Public Service from the first day of January to the thirty-first day of December in the year of our Lord one thousand nine hundred and twelve not otherwise provided for and set forth in schedule B to this Act.

4. The due application of all moneys expended under this Act shall be accounted for.

SCHEDULE A.

Sums granted to His Majesty by this Act for the fiscal year ending December 31, 1911, and the purposes for which they are granted:

To defray expenses of Hail Insurance.....\$126,861.77

SCHEDULE B.

Sums granted to His Majesty by this Act for the fiscal year ending December 31, 1912, and the purposes for which they are granted:

I.	
PUBLIC DEBT.....	\$340,000.00
II.	
CIVIL GOVERNMENT—	
Lieutenant Governor's Office.....	\$ 2,700.00
Executive Council.....	30,660.00
Attorney General's Department.....	26,540.00
Provincial Secretary's Department.....	7,560.00
Municipal Affairs Department.....	3,500.00
Treasury Department.....	13,020.00
Auditor's Office.....	15,360.00
Public Works Department.....	56,080.00
Education Department.....	24,240.00
Agriculture Department.....	27,080.00
Railways and Telephones Department.....	8,240.00
Government Printer's Office.....	10,740.00
	<hr/>
	\$225,720.00
III.	
LEGISLATION.....	\$84,990.00
IV.	
ADMINISTRATION OF JUSTICE.....	\$460,110.00
V.	
PUBLIC WORKS—	
Chargeable to Income.....	\$450,000.00
Chargeable to Capital.....	\$2,367,058.20
VI.	
EDUCATION DEPARTMENT.....	\$624,320.00
VII.	
AGRICULTURE AND STATISTICS—	
Chargeable to Income.....	\$419,100.00
Chargeable to Capital.....	\$123,000.00
VIII.	
HOSPITALS, CHARITIES AND PUBLIC HEALTH.....	\$ 91,000.00
IX.	
TELEPHONES—	
Chargeable to income.....	\$610,000.00
Chargeable to Capital.....	\$4,000,000.00
X.	
PUBLIC INSTITUTIONS.....	\$136,000.00
XI.	
MISCELLANEOUS.....	\$437,500.00
	<hr/>
	\$3,878,740.00 \$6,490,058.20

1911-12

CHAPTER 2.

An Act respecting Towns.

(Assented to February 16, 1912.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

PRELIMINARY.

1. This Act may be cited as "*The Town Act.*"

Short title

2. In this Act, unless the context otherwise requires, the Interpretation expression—

1. "Elector" means a person, male or female, entitled to Elector vote at any town election;

2. "Council" means the municipal council of a town; Council

3. A burgess is an elector who is assessed as the owner or Burgess occupant of land. 1913 (1st Session), c. 8, s. 1.

4. "Owner" means and includes any person who appears by Owner the records of the land titles office of the land registration district within which such land is situated to have any interest in any land in a town other than as a mortgagee or an encumbrancee, or means and includes any *bona fide* purchaser of any such land, and the registration in the said land titles office of a caveat claiming an interest under an agreement for sale shall be deemed a *prima facie* proof of such an interest as purchaser. This subsection shall for the purpose of validating any election be deemed to be and to declare the law in connection therewith since the twenty-fifth day of March, 1913. 1913 (1st Session), c. 8, s. 1; 1914, c. 7, s. 1.

5. "Occupant" means the person in actual occupation, other Occupant than in an official capacity, of any land exempt from taxation under the provisions of this Act. 1913 (1st Session), c. 8, s. 1.

6. "Felony" means any indictable offence which since the passing of *The Criminal Code* is punishable with death or imprisonment for a period of five years or over, and "misdemeanour" means any offence for which under the said Code the extreme penalty is imprisonment for a term less than five years; Felony, etc.

7. "Special franchise" shall mean every right, authority or Special franchise permission whether exclusive or otherwise to construct, maintain or operate within the town, in, under, above, on or through or across any highway, road, street, lane, public place or public water within the jurisdiction of the town, any poles, wires, pipes, tracks, conduits, buildings, erections, structures or other things for the purposes of bridges, railways, tramways or for the purposes of conducting steam, heat, water, gas, natural gas, oil, electricity or any property, substance or product capable of being transported, transmitted or conveyed for the supply of water or heat, light, power, transportation, telegraphic, telephonic or other service;

Judge	8. "Judge" means a judge of the District Court of the judicial district within which the town is wholly or partly situated, and "court" or "District Court" means the said District Court;
Land	9. "Land" includes lands, tenements and hereditaments and any estate or interest therein, and for the purposes of assessment only "land" means land and any estate or interest therein exclusive of the value of buildings or other improvements thereon;
Municipality and town	10. "Municipality," "town," or "town municipality" means and includes any town or town municipality now incorporated as such and also any town or town municipality hereafter incorporated under the provisions of this Act;
Improvements	11. "Improvements" mean any buildings or any other increase in the value of land caused by the expenditure of labour or capital thereon;
Person	12. "Person" includes a corporation or partnership;
Revised assessment roll	13. "Revised assessment roll" means the assessment roll of the town as finally adopted by the council;
Secretary-treasurer	14. "Secretary-treasurer" means the secretary-treasurer of the town and includes the secretary or treasurer;
Referred by-law	15. "Referred by-law" means a by-law referred to the vote of the burgesses and assented to by them as provided in this Act;
Assessor	16. "Assessor" means the assessor of the town;
Revised voters' list	17. "Revised voters' list" means the voters' list of the town as finally revised by the council;
Minister	18. "Minister" means the Minister of Municipal Affairs for Alberta;
Hawker Pedlar	19. "Hawker" or "Pedlar" means and includes any person whom, whether as principal or agent, goes from house to house, selling or offering for sale goods, wares or merchandise to any person, not being a wholesale or retail dealer in such goods, wares or merchandise, or offers or exposes to any person not being a wholesale dealer in such goods, wares or merchandise, samples or patterns of any goods, wares or merchandise to be afterwards delivered in the village, but shall not mean or include any person selling meat, fruit, fish or agricultural implements, sewing machines or farm produce by retail. 1913, c. 8, s. 2.
Transient trader	20. "Transient trader" means and includes any person who occupies premises in the town, who offers goods, wares or merchandise for sale, either personally or through a licensed auctioneer or other agent or servant whose name has not been entered on the last revised assessment roll of the town or who has not, before he offers such goods, wares or merchandise for sale as aforesaid, resided continuously in the town for a period of three months next preceding the date at which he offers such goods, wares or merchandise for sale. 1913 (1st Session), c. 8, s. 2.
Computation of time	(2) Whenever the word "herein" is used in any section of this Act it shall be understood to relate to the whole Act and not to that section only.
	3. Where anything is required to be done on a day which falls on any holiday such thing may be done on the next day which is not a public holiday; but nothing in this section contained shall extend or apply to the day fixed by this Act for the nomination or election of candidates for the offices of mayor or councillors.

4. Where in this Act a certain day is fixed on or by which certain things are to be done or proceedings had if it appears that such date was fixed having regard to an earlier date fixed on or by which certain other things are to be done or proceedings had then notwithstanding anything herein contained if default be made in respect of the earlier date a like delay shall be allowed in respect of the later date. ^{Extension of time}

5. Where forms are prescribed deviation therefrom not affecting the substance not calculated to mislead shall not vitiate the same and forms to the like effect shall suffice. ^{Forms}

6. Where powers to make by-laws, regulations, rules or orders is conferred it shall include the power to alter or revoke the same from time to time and to make others, excepting where by-laws are made for the purpose of raising money, levying assessments or striking rates. ^{Make includes alter, etc.}

PART I.

APPLICATION OF ACT AND REPEAL OF CERTAIN ORDINANCES, ETC.

7. This Act shall apply to all towns now existing in the province except such as may be incorporated by special Ordinance of the North-West Territories, or by special Act of the Province of Alberta, and the same shall continue to exist as town municipalities and be subject to the provisions of this Act; and this Act shall also apply to all towns or town municipalities hereafter created or established within the province. ^{Application of Act}

Provided that the Lieutenant Governor in Council may, upon application of any town so incorporated by special Ordinance or Act, order that this Act shall apply to any such town instead of the Act or Ordinance incorporating same, and from and after the date of such order the provisions of such special Act or Ordinance and any amendments thereto shall cease to apply to such town, and the provisions of this Act shall be substituted therefor and shall apply to such town municipality.

8. Every town in the province now or hereafter created or established is hereby declared to be a body corporate and subject to all the liabilities of a corporation with full power to acquire, hold and alienate both real and personal estate for all municipal purposes and by the same name they and their successors shall have perpetual succession and shall have power to sue and be liable to be sued, implead and be impleaded, answer and be answered unto in all courts and in all actions, causes and suits at law and in equity whatsoever; and they shall have a common seal with power to alter and modify the same at their pleasure; and they shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property (real or personal) for the use of the town and of becoming parties to any contracts or agreements in the management of the affairs of the town. ^{General rights and obligations of towns}

(2) The name of the body corporate shall be "The Town of *(naming the town)*." ^{Corporate name}

(3) The Minister may from time to time alter the name of any town upon a petition of a majority of the council and a notice of such alteration shall be published in *The Alberta Gazette* and in such case the seal theretofore used by such town shall continue to be the seal thereof until changed by the council. 1913 (1st Session), c. 8, s. 2.

Repeal

9. Upon the coming into force of this Act, *The Municipal Ordinance*, being chapter 70 of the Consolidated Ordinances 1898, and all Ordinances or Acts passed in amendment thereof, shall no longer apply to town municipalities incorporated thereunder, and the provisions of this Act shall be deemed provisions substituted for the said Ordinance and amendments thereto in regard to such towns:

Provided however that no town municipality existing at the time of the coming into force of this Act or no town municipality to which hereafter the provisions of this Act made applicable under the provisions of section 7 hereof, shall by reason of anything contained in this Act or by reason of the repeal of the said Ordinance and amendments thereto or special Act or Ordinance incorporating such town, be relieved from any duty, obligation, liability or indebtedness heretofore or now owing, existing due or accruing due to any person, corporation or company and whether the same arises or exists by reason of or by virtue of any Statute, Ordinance, by-law, law, contract or tort or by virtue of any proceedings heretofore taken, passed, existing or in force; and notwithstanding the repeal of the said Ordinance and amendments thereto or special Act or Ordinance incorporating such town, such duty, obligation, liability or indebtedness shall continue with the same force and effect as if the said Ordinance and amendments thereto or special Act or Ordinance incorporating such town, had not been repealed; and

Provided further that until a new council is elected under this Act the head and members of the council of such town municipalities respectively shall be deemed and taken for all purposes to be the head and members of the council of such town municipalities; and

Provided further that until altered under the authority of this Act all by-laws existing at the time of the coming into force of this Act in the said town municipalities respectively shall be deemed and taken for all purposes to be the by-laws of such town municipalities respectively; and

Provided further that the repeal of the said Ordinance and amendments thereto or special Act or Ordinance incorporating such town shall not be construed as depriving in any way any town municipality of its real or personal property as assets of any kind or of any part thereof; but on, from and after the coming into force of this Act therein all town municipalities shall have and possess the same rights therein and thereto as they had or possessed respectively immediately prior to such repeal taking effect; and

Provided further that nothing herein contained shall affect the legality of any work undertaken, or any proceedings begun, had or taken pursuant to the said Ordinance and amendments thereto or special Act or Ordinance incorporating such town,

but such proceedings may be continued and concluded under any of the provisions of the said Ordinance and amendments thereto or of any special Act or Ordinance incorporating such town applicable thereto.

TOWN BOUNDARIES.

10. Whenever a majority of the resident land owners of any territory adjacent to a town desire annexation thereto and present a petition to the council to that effect the Lieutenant Governor in Council with the consent of the council of the town may by proclamation annex the said territory to and make it a part of the town; the said annexation shall take effect on such date and on such terms and conditions as the Lieutenant Governor in Council may by proclamation provide. Additions to town at instance of petitions

(a) Provided, however, that no territory shall be annexed to any town, unless a plan of subdivision of such territory has been registered in the land titles office for the land registration district within which such land is situated and unless there is erected on such territory at least one building actually occupied as a dwelling-house or place of business, for every five acres included therein. 1913 (1st Session), c. 8, s. 3.

(b) The Lieutenant Governor in Council, upon receipt of a petition from the owner or owners of any parcel of land within the limits of the town of an area of not less than 80 acres, 50 per cent. of which is under cultivation and used exclusively for agricultural purposes and of which no plan of subdivision has ever been registered, may separate such territory from the town upon such terms and conditions as the Lieutenant Governor in Council may by proclamation provide, and from and after the date of such proclamation, such territory shall cease to form part of such town but shall continue liable for the payment of any debenture indebtedness of the town incurred prior to the date of such proclamation in the same manner as if such separation had not taken place. 1913 (1st Session), c. 8, s. 3.

11. The Lieutenant Governor in Council may upon the petition of the council of any town include within the town any territory adjacent thereto which from the proximity of streets or buildings or the probable future exigencies of the town it may be deemed desirable to include therein or to annex thereto; the said annexation shall take effect on such date and on such terms and conditions as the Lieutenant Governor in Council may by proclamation provide. Additions to town at instance of the council

12. For the purpose of defining boundaries of a town municipality under this Act those sides of road allowances on which monuments or posts have been or may hereafter be placed under a survey made or to be made pursuant to any Act of the Dominion of Canada respecting the survey of Dominion lands, from time to time in force in Alberta, shall be the boundaries either of townships or sections. Boundaries

Provided however that in the case of correction lines the south side of the road allowance shall be the boundaries and that the boundaries of any Indian Reserve shall be the lines defining that side of the road allowance immediately next to such Indian Reserve.

PART II.

MUNICIPAL GOVERNMENT.

Powers of
council

13. The powers of the said corporation shall be exercised by the council of the town which shall consist of a mayor and six councillors.

Council a
continuing
body

(2) The council shall be deemed and considered to be always continuing notwithstanding any annual or other election of the members composing it; and after any such election and the organization of the council for the next year it may take up and carry on to completion all proceedings commenced but not completed by the last year's council.

Term of
office of
mayor and
councillors

14. Subject to the provisions hereinafter contained respecting the term of office of the mayor and councillors elected at the first election after a village becomes a town the term of office of the mayor shall be for two years and the term of office of the councillors shall be for two years and both the mayor and the councillors shall be elected by a general vote of the electors.

Persons
disqualified
for council

15. After the first election every person shall be eligible for election as mayor or councillor who is a British subject by birth or by naturalization, is a male of the full age of twenty-one years is able to read and write the English language, is not subject to any disqualification under this Act or *The Controverted Municipal Elections Act*, is resident within the town or within two miles of the limits of the town and is at the time of nomination the owner of an interest in land within the town, which interest is of the value of \$100.00 over and above charges, liens and encumbrances affecting the same and whose name is on the last revised assessment roll of the town and who has paid all taxes due by him to such town: 1913 (1st Session), c. 8, s. 3.

Provided however that no judge of any court of civil jurisdiction, no sheriff, no deputy sheriff, no gaoler or keeper of any house of correction, no constable, assessor, secretary-treasurer, auditor or other paid official of the town, no bailiff, no inspector of licenses, no person having by himself or his partner an interest in any contract with or on behalf of the town or being indebted to the town, no surety for any officer or employee of the town and no person who has been convicted of treason, felony or of an offence punishable with death or with imprisonment for five years or over shall be qualified to be a member of the council; and

Disqualifi-
cation not to
exist in certain
cases

Provided further that no person shall be disqualified from being elected a member of the council by reason of his having a contract for the publication of any advertisement in any public newspaper or by reason of his being a shareholder in any incorporated company having dealings or contracts with the town or by his having a lease of twenty-one years or upwards of any property from the town; but no such leaseholder shall vote in the council on any question affecting any lease from the town and no such shareholder shall vote on any question affecting such company.

VACANCIES.

16. The mayor or any councillor may resign his seat in the ^{Resignation} council at any time by giving written notice to the secretary-treasurer who shall bring the same to the notice of the council at its next meeting and the said resignation shall take effect and the seat shall become vacant upon the receipt of the said notice by the secretary-treasurer.

17. If after the election of any person as a member of the ^{Declaration of vacancy} council he is convicted of felony or becomes insolvent within the meaning of any Act in force in Alberta or assigns his property for the benefit of his creditors or absents himself from the meetings of the council for three months without being authorized so to do by a resolution of the council entered upon its minutes his seat in the council shall *ipso facto* become vacant and the council shall forthwith declare the seat vacant.

18. If a seat in the council becomes vacant by death, resignation or otherwise the council shall forthwith appoint a returning ^{Election to fill vacancy in council} officer to hold an election to fill the vacancy and such election shall be held in the manner as nearly as may be as other elections under this Act and if the seat in the council of a councillor whose term would not otherwise have expired at the end of the then current year become vacant after the first day of November in any year then such vacancy may be filled by the election of an extra councillor at the next general election and the person obtaining the next highest number of votes after the regular number of councillors have been elected shall be the person to fill such vacancy and in such cases every elector shall be entitled to vote for one extra candidate for each vacancy to be filled; and in case not more candidates are nominated than the number required to be elected the candidate last nominated shall be deemed to be elected to fill such vacancy.

19. In the event of a member of the council forfeiting his ^{Compulsory resignation} seat at the council or his right thereto or becoming disqualified to hold his seat or of his seat becoming vacant by disqualification or otherwise he shall forthwith resign his seat and in the event of his omitting to do so within ten days thereafter proceedings may be taken to unseat him as provided by law.

MEETINGS OF COUNCIL.

20. The first meeting of the council in each year shall be ^{First meeting} held on the first Monday in January except when that Monday is a public holiday in which case the meeting shall take place on the next subsequent day which is not a public holiday; and the council of the previous year shall hold office until the new council meets.

21. A majority of the whole council shall be necessary to ^{Quorum} form a quorum and no act nor other proceeding of any council shall be deemed valid or binding on any party which is not adopted at a regular or special meeting of the council at which a quorum is present.

Conduct of
meetings

22. The council shall hold its ordinary meetings openly and no person shall be excluded except for improper conduct but the person presiding at any meeting may cause to be expelled and excluded any person who has been guilty of improper conduct at such meeting.

MAYOR.

Duties

23. The mayor shall be the chief executive officer of the town and it shall be his duty to be vigilant and active in causing the laws governing the town to be duly executed, to inspect the conduct of all town officers and so far as in his power to cause all negligence, carelessness and violation of duty to be duly prosecuted and punished and to communicate from time to time to the council all such information and to recommend such measures as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornamentation and prosperity of the town.

(2) The mayor shall during his term of office be *ex officio* a justice of the peace unless disqualified by law.

Appointment
of special
constables

24. The mayor may at any time and from time to time by writing under his hand appoint and engage one or more special constables within the town for such time not exceeding fifteen days as shall be stated in the appointment; but the authority of any such constable shall cease if his appointment be not confirmed at the next regular meeting of the council; such special constable shall for the time being form a part of the police force of the town.

Power of
suspension

25. The mayor may suspend any municipal officer and he shall thereupon report such suspension and the reasons therefor to the council who may either dismiss or reinstate the suspended officer; and in case he is dismissed such officer shall receive no salary or remuneration from the date of such suspension unless the council by a resolution otherwise determines.

To preside,
etc.

26. The mayor or in his absence the deputy mayor shall preside at all meetings of the council; he shall preserve order and enforce the rules of the council and he shall sign (jointly with the treasurer) all the cheques issued by the town.

Deputy mayor

27. The council shall at its first meeting and every three months thereafter from amongst its members appoint a deputy mayor who shall hold office for three months and until his successor is appointed and who in case the mayor through illness, absence or any other cause is unable to perform the duties of his office or in case his office is vacant shall have all the powers of the mayor during such inability or vacancy.

Chairman

28. If the person who ought to preside at any meeting of the council does not attend within fifteen minutes after the hour appointed for the meeting the members of the council who are present may appoint a chairman who shall during the meeting have the same authority as the absent person would have had.

Vote

29. The mayor or other officer presiding at any meeting of the council may vote with the other members on all questions except where he is disqualified to vote by reason of interest or

otherwise and (save as otherwise provided herein) any question upon which there is an equality of votes shall be deemed to be negatived.

30. The mayor shall call special meetings of the council whenever requested in writing so to do by a majority of the council and all the members of the council shall be duly notified of the meeting at least twenty-four hours prior thereto and (in general terms) of the business to be transacted thereat. ^{Special meetings}

31. If so requested at any time by the written petition of twenty electors the mayor shall by a printed public notice conspicuously posted in at least ten places in the town call a public meeting of the electors for the discussion of the municipal affairs of the town or of any matters relating thereto. ^{Public meetings}

OFFICIALS.

32. The council may appoint a secretary, a treasurer or a secretary-treasurer, an assessor, a town solicitor and one or more auditors and they may also appoint such superintendents and other officers as they deem necessary or expedient to appoint for the purpose of carrying into effect the provisions of this Act or any by-law of the town including a chief of police and all necessary police constables or officers. 1913, c. 22, s. 1. ^{Council to appoint certain officials}

(2) The same person may be appointed to more than one of such offices.

33. The council shall not make any appointment to office or any arrangement for the discharge of the duties of any municipal office by tender or by application at the lowest remuneration. ^{Appointment not to be by tender}

34. All officers appointed by the council shall hold office until dismissed by the council; and in addition to the duties assigned to them by this Act or by the general law of Alberta shall perform such other duties as may be required of them by the by-laws of the council. ^{Tenure of office}

35. In addition to defining the duties of any officer the council may by by-law require him to give such security as they may deem expedient for the faithful performance of his duties; and during the month of January in each year all such securities shall be produced to the mayor and shall be laid by him before the council. ^{Security}

36. The bonds or policies of guarantee of any corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust may be accepted instead of or in addition to the personal bond of any officer of the town. ^{Character of}

37. Every officer, servant and agent of the town shall be personally liable for any damage arising from his acts or defaults or from his refusal or neglect to discharge the duties imposed upon him by law or by this Act or by the by-laws of the council in addition to any penalties otherwise imposed for the said acts or defaults. ^{Liability}

Gratuities

38. A council may grant any officer who has been in the service of the town for at least twenty years and who while in such service has become incapable through age or illness of efficiently discharging the duties of his office a sum not exceeding his aggregate salary for the last three years of his service as a gratuity upon his dismissal or resignation.

SECRETARY-TREASURER.

Secretary-treasurer to attend meetings, etc.

39. The secretary-treasurer shall attend all meetings of the council and shall truly record in a book without note or comment all resolutions, decisions and other proceedings of the council; and (if required by any member present) shall record the name and vote of every member voting on any matter submitted; he shall safely keep all the books, documents and records of the council and the originals (or duly certified copies) of all the by-laws thereof.

Secretary-treasurer to furnish bond

(2) The secretary-treasurer shall within one month after entering on his duties furnish to the town security in a penal sum to be named by the council for the true and faithful performance of all the duties required of him by this Act and the said security shall be a guarantee bond of a guarantee company authorized to do business in the province.

Records open to inspection

40. Any elector may at all reasonable times inspect any account or demand, contract, by-law, report of the commissioners or of any committee or of any official of the town (other than the town solicitor or any counsel engaged by the town) after the same respectively have been submitted to the council and also the voters' lists, poll books or other documents relating to any election or voting; and the secretary-treasurer shall within a reasonable time after demand by any elector furnish him with copies of any such documents or parts thereof at the rate of ten cents per one hundred words.

Copies of records

41. A copy of any such book, record, document or account certified under the hand of the secretary-treasurer and the town seal shall be received in evidence without proof of the seal of the town or of the signature or official character of the person appearing to have signed the same unless the court or a judge thereof otherwise orders.

Moneys

42. The secretary-treasurer shall collect, receive and safely keep all moneys belonging or accruing due to the town from whatever source and shall pay out the same only to such persons and in such manner as is directed by law or by the by-laws of the council.

Deposits and cheques

43. The secretary-treasurer shall daily or as often as the council may direct deposit in the name of the town in some chartered bank designated by resolution of the council all such moneys received by him; and he shall (jointly with the mayor) sign all necessary cheques.

Books to be kept by secretary-treasurer

44. The secretary-treasurer shall keep and make use of such books of record and account as the Minister shall from time to time require him to keep and use including the debenture

register required by the the provisions of this Act and shall also ^{Half yearly statement} prepare and submit to the council half-yearly a correct statement of the moneys at the credit of the town.

(2) Any secretary-treasurer, or other officer of the town who refuses, neglects or fails to discharge the duties of his office, or who knowingly signs any false statement, report or return required by this Act, or any other enactment in force in the province, or who refuses or neglects to hand over to his successor in office, or such persons as may be designated in writing to him by the council or by the Minister, all moneys, books, papers and other property of the town in his possession, in addition to any civil liability which he may incur, shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$100.00. 1913 (2nd Session), c. 22, s. 2.

45. The secretary-treasurer shall collect a fee of twenty-five ^{Search fee} cents per lot for every search made in the assessment or tax rolls; and shall also, if required, without additional fee, give a certificate under his hand showing whether or not all taxes due in respect of any such lot have been paid and if not the amount of the arrears chargeable against the said lot; and such fee shall form part of the general revenue of the town.

46. In case the secretary-treasurer is absent or is incapable ^{Absence} of performing his duties the council may by resolution appoint some person to act in his stead during the period of such absence or incapacity and during such period the person so appointed shall have all the powers of the secretary-treasurer.

47. The council of any town which has appointed a secretary and a treasurer may by by-law divide the duties herein assigned to the secretary-treasurer between such officials in such manner as they may deem proper.

SOLICITOR.

48. The town solicitor shall be a member of the Law Society ^{Appointment} of Alberta and the council may determine his duties and the terms and period of his employment.

49. In case the remuneration of the town solicitor is to be ^{Remuneration} paid wholly or partly by salary the town shall notwithstanding be entitled to tax and collect lawful costs in all actions and proceedings to which the town is a party; provided such costs are by the terms of the engagement of the town solicitor payable to him as part of his remuneration in addition to his salary.

AUDIT.

50. The council shall at its first meeting in each year or within ^{Appointment of auditors} two months thereafter appoint one or more auditors but no one who then or during the preceding year is or was a member of the council or is or was secretary-treasurer or who has or had ^{Councillor} during the preceding year directly or indirectly alone or with any other person a share or interest in any contract or employment with or on behalf of the town (except as auditor) shall be so appointed:

Provided that an incorporated company or a partnership may be appointed as auditor.

Audit

51. The auditor or auditors so appointed shall at least once in every three months during the year examine, audit and report upon all books and accounts affecting the town or relating to any matter under its control or within its jurisdiction and after the examination of every account, voucher, receipt and paid debenture shall stamp thereon in indelible letters the word "audited" and initial the same.

(2) The auditor shall on every occasion write a special report respecting all expenditures made contrary to law, by-law or resolution and shall deliver the said report to the mayor who shall lay the same before the council at its next meeting.

Audit before payment

52. The council may by by-law provide that the auditor or auditors shall audit all accounts before they are paid.

Auditor's abstract

53. On or before the fifteenth day of November in each year the auditor or auditors shall prepare in such form as the Minister may direct and on or before the first day of December the secretary-treasurer shall cause to be printed in such quantity as the Minister shall direct an abstract of the receipts, expenditures, assets and liabilities of the town up to the preceding thirty-first day of October including a statement showing the total amount of debentures authorized to be issued, the debentures actually issued, those actually sold or otherwise disposed of and how disposed of and those remaining on hand.

Abstract of receipts, expenditure, etc., for the year

(2) On or before the first day of March in each year the auditor or auditors shall prepare in such form as the Minister may direct an abstract of the receipts, expenditures, assets and liabilities of the town for the financial year ending on the thirty-first day of December of the preceding year including a statement showing the total amount of debentures authorized to be issued, the debentures actually issued, those actually sold or otherwise and how disposed of and those remaining on hand; he shall make a special report respecting any expenditures made contrary to law; he shall deliver the said abstract and report to the mayor who shall lay the same before the council at its next meeting; and the council shall on or before the first day of April in each year cause the said abstract and report or a synopsis thereof to be published in some newspaper published in the town, or, if there is no newspaper published therein in the newspaper the place of publication of which is nearest thereto and shall cause a copy of such abstract and report to be forwarded to the Minister.

Financial year

(3) The financial year of the town shall commence on the first day of January and close on the thirty-first day of December in each year.

Inspections

54. Any elector may inspect the said abstracts and reports or any of them and may by himself or his agent and at his own expense take a copy thereof or extract therefrom.

OATH OF OFFICE.

55. Every member of the council, the secretary-treasurer, Officials, etc. the assessor, the town solicitor, town engineer and every other town officer who may by the terms of his appointment be required so to do shall before entering upon the duties of office make and subscribe a declaration of office to the following effect:

I, *A.B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), (*or in the case of a person who has been appointed to two or more offices which he may lawfully hold at the same time, that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the offices of as the case may be*) to which I have been elected (*or appointed*) in this town, and that I have not received, and will not receive any payment or reward or promise thereof, for the exercise of any partiality or abuse or undue execution of, the said office (*or offices*), and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said town, save and except that arising out of my office as (*naming the office*). So help me God.

56. Any person who has been elected or appointed to two Holders of more than one office or more offices which he may lawfully hold at the same time may make one declaration of office as to all the offices to which he has been elected or appointed.

57. Every returning officer, poll clerk, constable or other Returning officers, etc. officer appointed to act at an election shall before entering upon the duties of his office make and subscribe a solemn declaration to the effect following:

I, *A.B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) to which I have been appointed in this town; and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or abuse or other undue execution of the said office. So help me God.

58. When any oath or affirmation or declaration is required Before whom to be taken to be taken or made by a returning officer and no special provision is herein made therefor the same may be made and subscribed before the poll clerk or before a notary public, commissioner for taking affidavits or justice of the peace; and the returning officer, notary public, commissioner for taking affidavits or justice of the peace may administer any oath or affirmation or declaration required to be made by a poll clerk under the provisions of this Act.

59. The declaration of office to be made and subscribed by Auditor every auditor shall be as follows:

I, *A.B.*, having been appointed to the office of auditor for the town ofdo hereby promise and declare that I will faithfully perform the duties of the said office according to the best of my judgment and ability, and I do solemnly declare

that I had not directly or indirectly any share or interest whatever in any contract or employment (except that of auditor, if reappointed) with, by or on behalf of the town, during the preceding year, and that I have not any such contract or employment except that of auditor for the present year. So help me God.

Before whom
to be taken

60. The mayor and councillors and the other town officers who are required as aforesaid to make a declaration of office shall make and subscribe the said declaration of office before a commissioner for taking affidavits, a notary public or justice of the peace.

Power to
administer
oath

61. The mayor, any notary public, commissioner for taking affidavits or justice of the peace may administer any oath, affirmation or declaration relating to the business of the town except where herein otherwise specially provided and except where he is the person required to make the oath, affirmation or declaration.

Deposit of
form of oath

62. The deponent, affirmant or declarant shall subscribe every such oath, affirmation or declaration and the person administering it shall duly certify and preserve the same and shall within eight days deposit the same in the office of the secretary-treasurer who shall preserve it among the town records.

Absence of
mayor

63. The mayor or in his absence the presiding officer of the council or of any committee thereof may administer an oath or affirmation to any person concerning any account or other matter submitted to or being dealt with by the council or any committee thereof.

POLICE.

Constitution
of police force

64. The police force shall consist of a chief of police and as many constables and other officers and assistants as may by the council be deemed necessary from time to time.

Members of
force to be
appointed by
the council

65. The members of the police force shall be appointed by the council and shall hold office until dismissed by the council and shall before entering upon their duties as members of such force take and subscribe the following oath:

Form of oath

I, A.B., do swear that I will well and truly serve His Majesty the King in the office of chief of police (*or police constable as the case may be*) for the town of with no favour or affection, malice or illwill; and that I will to the best of my power cause the peace to be kept and preserved and will prevent all offences against the person and properties of all persons and that I will to the best of my skill and knowledge discharge all the duties of my office faithfully and according to law. So help me God.

Council to
make
regulation

66. The council shall from time to time make such regulations as they may deem expedient for the government of the force and for preventing neglect or abuse and for rendering the force efficient in the discharge of all its duties.

67. The constables shall obey all lawful directions of and be subject to the orders of the chief of police and shall be charged with the special duty of preserving the peace, apprehending offenders and generally with the performance of all duties which by law devolve upon constables and peace officers. Duties of police constables

68. Any person who upon the coming into force of this Act is acting either as chief of police or police constable in any town in the province is hereby declared to have been lawfully appointed to such office and every such person is hereby further declared to be as subject to the government of the council of the town in which he is so acting as if he had been appointed to such office under the provisions of this Act. Existing appointments confirmed

69. Any member of the force may be dismissed or suspended by the council at any time. Dismissal or suspension from force

70. The council shall from time to time fix the remuneration to be paid to the chief and constables or men employed. Council to fix remuneration

PART III.

MUNICIPAL ELECTIONS.

71. The persons qualified to vote at the first election after a village becomes a town for mayor and councillors in any town shall be the persons, male or female, of the full age of twenty-one years— First election

1. Whose names are on the last revised assessment roll of the village now comprised within the town; or

2. Whose names are on the last revised assessment roll of the rural municipality or local improvement district for that portion of the town not formerly comprised within the said village.

72. For the purposes of the said first election in any town every person is eligible for election as mayor or councillor who is a British subject by birth or naturalization, is a male of the full age of twenty-one years, is able to read and write the English language, is not subject to any disqualification under this Act or *The Controverted Municipal Elections Act*, is resident within the town or within two miles of the limits of the town and is the owner at the time of nomination of an interest in land in the town, which interest is of the value of \$100.00 over and above all charges, liens and encumbrances affecting the same and whose name is on the last revised assessment roll of the village or on the last revised assessment roll of the municipality for that portion of the town not formerly comprised within the village, and who has paid all taxes due by him. 1913 (1st Session), c. 8, s. 5. Persons eligible at first election as candidates

73. Only persons qualified to vote for candidates shall be qualified to nominate candidates for the office of mayor or councillor. Who may nominate candidates

Term of office
of mayor

74. The term of office of the mayor at the said first election shall be to the end of the calendar year then next following the year in which such election is held.

Term of office
of councillors

75. The three candidates first nominated for councillors in the event of there being no poll or the three candidates receiving the highest number of votes in the event of a poll being held shall be declared elected for the term ending at the end of the calendar year next following or next but one following the date of the election according as such election is held prior or not prior to the first day of July; and the remaining three candidates so nominated or elected shall be declared elected for the term ending with the then calendar year or the next following calendar year according as such election is held prior or not prior to the first day of July; and thereafter one-half the required number of councillors shall be elected annually and shall hold office for two years unless otherwise provided.

(2) The returning officer for the said first election shall be the secretary-treasurer for the town.

Special
election before
preparation
of voters' list

76. In the event of an election being held after the said first election but before the preparation and revision of a voters' list the provisions of this Act as to the first election including the qualification of voters and candidates shall apply.

Names to be
furnished the
secretary-
treasurer

77. For the purposes of the said first election the secretary-treasurer of the said rural municipality or local improvement district and the proper officer of the village shall respectively two days prior to nomination day furnish the returning officer with a list of all the ratepayers and persons on the last revised assessment rolls of the said municipality, local improvement district and village for that part of the town formerly included in them or any of them.

VOTERS' LISTS.

Qualification
of voters

78. The persons qualified to vote at elections shall be the persons, male or female, of the full age of twenty-one years whose names appear upon the last revised voters' lists of the town:

Proviso as to
nonpayment
of taxes

Provided always that a town may by by-law declare that no person shall be entitled to vote who has not on or before a day to be named therein paid all taxes due by him to such town either for the current year or all arrears of taxes or both.

Defaulters'
list

(2) In towns which have passed a by-law under the provisions of the proviso to subsection (1) of this section on or before the day of nomination of candidates the secretary-treasurer shall prepare and verify on oath a correct alphabetical list of the names of all persons who have not complied with the terms of any such by-law, such list to be called "the defaulters' list."

(3) Any person named in such defaulters' list may vote if at the time of tendering his vote he produces and leaves with the officer holding such election a certificate from the secretary-treasurer of the town showing that the taxes in respect of which default has been made have been paid; and such officer shall file such certificate, receive the vote and note the same on the defaulters' list.

79. The secretary-treasurer shall on or before the first day of September in each year prepare a voters' list in alphabetical form and shall place thereon the names of all persons, male or female, of the full age of twenty-one years who are assessed upon the last revised assessment roll for \$50.00 or upwards; and the assessor shall cause such voters' list to be printed, typewritten or written with the next following four sections hereof prefixed thereto; a copy thereof shall be posted up in the office of the secretary-treasurer on or before the fifteenth day of September. 1913 (1st Session), c. 8, s. 6.

80. Any person who has been continuously resident in the town in the then current year prior to the first day of July and who is otherwise duly qualified but whose name is put down in error or whose name has been omitted from the last revised assessment roll may either by himself or his agent apply to have the voters' list amended upon giving the secretary-treasurer a notice in the following form:

To the secretary-treasurer of the town of

Take notice that I intend to apply to the council to have my name added to the voters' list (*or as the case may be*) for the following reasons (*here state the grounds according to the facts*).

Dated this day of, 19

(Signature of applicant)

Applicant.

or (Name of applicant)

Applicant by his agent.

1913 (1st Session), c. 8, s. 7.

81. If any person has on or before the first day of October in the then current year disposed of the property upon which he was qualified as a voter or so much thereof that he is no longer the owner of land, which appears from the last revised assessment roll to be of the value of \$50.00 or upwards, or if any person's name is wrongfully put down on the voters' list, such person shall be disqualified as a voter and any elector may apply to the court to have the name of such person so or otherwise disqualified struck off the voters' list, and the name of the person or persons now the owner or owners of the property disposed of, if otherwise entitled, substituted in the name of any such persons so disqualified. 1913 (1st Session), c. 8, s. 8.

82. Notice served upon the secretary-treasurer under the three next preceding sections shall be served on or before the first day of November.

83. On or before the fifth day of November the secretary-treasurer shall make a list of all applicants for amendments to the voters' list stating names and grounds of each of such applications and shall post the same in a conspicuous place in his office; and he shall immediately thereafter notify the parties interested of the time and place fixed by the council for hearing such applications.

84. On or before the fifteenth day of November in each year the council shall meet as a final court of revision on the voters' list and shall then hear and determine all applications

of which notice has been given to the secretary-treasurer as hereinbefore provided; and the secretary-treasurer shall thereupon amend the voters' list in all cases provided for by sections 80 and 81 inclusive hereof as may be right; and the list so amended shall be the voters' list of the town for the ensuing year or until a new voters' list has been finally revised.

85. As to the attendance of witnesses and the imposition and recovery of penalties and as to procedure the council when sitting as a final court of revision on the voters' list as aforesaid shall have the powers and privileges conferred by this Act upon the council in relation to the assessment roll.

ELECTIONS, GENERAL PROVISIONS.

Returning
officer, etc.

86. The council shall at least one week prior to the last Monday in November in each year by by-law appoint a returning officer for the next town elections and name the place therein where the votes are to be polled; provided the council may, if it deem proper, divide the town into polling divisions, name a polling place for each such division, appoint the returning officer to have charge of one of such polling places and a deputy returning officer to have charge of each of the remaining polling places.

Annual
meetings of
electors

87. The secretary-treasurer shall at least one week prior to the last Monday in November in each year cause to be posted up in at least five conspicuous places in the town a notice of the annual meeting of the electors in the following form

NOTICE.

Public notice is hereby given that a meeting of the electors of the town of.....will be held (*description of place*) on Monday, the (*here fill in date on which the last Monday in November falls*) day of November, 19...., at eight o'clock p.m., for the purpose of receiving the auditor's report of the finances of the town up to the preceding thirty-first day of October and for the purpose of receiving the reports of the chairman of the various committees of the council.

Dated at.....this.....day of....., 19.....

.....
Secretary-treasurer.

Mayor, etc.,
to attend
and submit
reports

88. At the time and place set out in the notice mentioned in the next preceding section the mayor, secretary-treasurer, auditor, the chairmen of the various committees shall attend and submit to the meeting their respective reports for that portion of the current year ending the thirty-first day of October.

(2) The Minister may from time to time prescribe forms for the foregoing reports.

Notice of
nomination

89. The returning officer shall at least six days prior to the first Monday in December post up in five conspicuous places in the town a notice in the following form:

NOTICE.

Town of.....Municipal Elections, 19.....
Public notice is hereby given that a meeting of the electors of the town of.....will be held (*description of place*)

on Monday the.....day of December, 19....,
(here fill in the date on which the first Monday in December falls),
 from eleven o'clock in the forenoon until twelve o'clock noon,
 for the purpose of nominating candidates for the office of councillors
(and if such is the case, for the office of mayor) for the next ensuing
 two years.

Given under my hand at.....this.....
 day of.....19.....

.....
Returning Officer.

90. At the time and place named in the notice provided for ^{Nominations}
 in the next preceding section the returning officer shall declare
 the meeting open for the purpose of receiving nominations and
 any person whose name appears on the last revised assessment
 roll may propose or second the nominations of any duly qualified
 person to serve as mayor or councillor of the town and the meeting
 shall remain open until noon when if the number of persons
 nominated to serve as mayor or councillors does not exceed
 the requisite number the returning officer shall declare the persons
 so nominated duly elected.

91. Every nomination for mayor or councillor shall be ^{Consent to}
 accompanied by a written consent from the person named in ^{nomination}
 such nomination to accept the office if elected and a written
 statement that he is eligible to be elected for such such office which
 shall be in the following form:

CANDIDATE'S ACCEPTANCE.

I,.....hereby state that I am
 eligible for election as mayor *(or councillor, as the case may be)*
 of the Town of....., and that I will accept
 office if elected.

Signed in the presence of

.....
(Name of Witness.)

.....
(Name of Candidate.)

92. In the event of more that the required number of persons ^{Poll}
 being nominated the returning officer shall declare that a poll
 will be held and shall name the time which shall be on the same
 day of the week as the nomination but in the next following
 week, the place or places where the votes are to be polled and
 also the time and place at which the result of the polling will
 be declared.

93. Whenever a poll has to be taken the returning officer ^{Notice of}
 shall without any unreasonable delay after the nomination cause ^{posting}
 to be posted up in at least five conspicuous places within the
 town a notice to the following effect:

NOTICE.

Town of.....Municipal Elections.....
 Public notice is hereby given that an election will be held
 for the office of councillors *(and if such is the case for the office*
 923

of mayor), of the Town of.....for the years 19...and 19... and that the polling will take place on (*here insert date of polling*) the.....day of.....19..., from ten o'clock in the forenoon until seven o'clock in the afternoon at the following place or places (*here specify polling place or places*) and that I will at (*describe the place*) on (*day of week*), the..... day of.....19..., at.....o'clock in the forenoon, sum up the votes and declare the result of the election.
Given under my hand at.....this..... day of.....19....

.....
Returning Officer.

Withdrawal of candidate

94. Any candidate nominated may withdraw at any time within forty-eight hours after the close of the nomination meeting by filing with the returning officer a declaration in writing to that effect signed by himself in the presence of the returning officer, a justice of the peace, commissioner for taking affidavits or notary public; and any votes cast for a candidate who has thus withdrawn shall be null and void.

Abandonment of poll

95. If by reason of any such withdrawal or withdrawals the number of candidates remaining in nomination for any office does not exceed the number required by this Act to be elected for such office the returning officer shall return as duly elected the candidate or candidates without waiting for the day fixed for the holding of the poll and the polling for such office shall not take place; and the returning officer shall forthwith post up in three conspicuous places in the town a notice to the following effect:

NOTICE.

Town of.....Municipal Elections, 19.....
Whereas.....nominated for the office of.....(*as the case may be*) has withdrawn his (*or their*) candidature for the said office, leaving..... the only candidate (*or candidates*) therefor, I hereby give notice that no voting for the said office (*or offices*) will take place on the.....day of (*date of polling*).
Dated at.....this.....day of..... 19....

G.H.,
Returning Officer.

Vote by ballot

96. In case of a poll at a town election the vote shall be given by ballot.

Ballot boxes

97. Where a poll is required the secretary-treasurer shall provide as many ballot boxes as are required.

Their construction

98. The ballot boxes shall be made of some durable material, shall be provided with a lock and key and shall be so constructed that the ballot papers can be introduced therein and cannot be withdrawn therefrom unless the box be unlocked.

Their distribution

99. When it becomes necessary for the purposes of an election to use the ballot boxes it shall be the duty of the secretary-

treasurer to deliver the same to the returning officer for the purposes of the election at least twenty-four hours before the opening of the poll.

100. Where a poll is required the returning officer shall forth-^{Printed ballots} with cause to be printed at the expense of the town such a number of ballot papers as will be sufficient for the purposes of the election.

(2) Every ballot paper shall contain the names of the duly nominated candidates arranged alphabetically in the order of their surnames; or if there are two or more candidates with the same surname in the order of their Christian names.

101. The names of the candidates for mayor shall not be ^{Their contents} included in the same ballot with the names of the candidates for councillors.

102. The ballot papers shall be in the following forms:

FORM FOR MAYOR.

MAYOR	Election of Mayor for the Town of..... for 19....	ALLAN. CHARLES ALLAN, of the town of..... Merchant.
		BROWN. WILLIAM BROWN, of the town of..... Banker.

FORM FOR COUNCILLORS.

COUNCILLORS	Election of Councillors for the Town of..... for 19..	ARGO. JAMES ARGO, of the town of..... Gentleman.
		BAKER. SAMUEL BAKER, of the town of..... Baker.
		DUNCAN. ROBERT DUNCAN, of the town of..... Printer.

103. The returning officer shall before the opening of the poll prepare such number of printed directions for the guidance of voters in voting as he may deem sufficient. ^{Directions for voters}

(2) Such directions shall be printed in conspicuous characters and may be according to the following form:

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter shall go into one of the compartments and with pencil provided in the compartment place a cross on the right hand side opposite the name or names of the candidate or candidates for whom he votes or at any other place within the division which contains the name or names of such candidate or candidates.

The voter will fold up the ballot paper so as to show the name or initials of the returning officer on the back and immediately after leaving the compartment shall without showing the front of the paper to any person deliver such ballot so folded to the returning officer and forthwith quit the polling place.

If the voter inadvertently spoils the ballot paper he may return it to the returning officer who will if satisfied of such inadvertence give him another ballot paper.

If the voter votes for more or less candidates for any office than he is entitled to vote for his ballot paper will be void as far as relates to that office and will not be counted for any of the candidates for that office.

If the voter places any mark on his ballot paper by which he may afterwards be identified or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified it will be void and will not be counted.

If the voter takes a ballot paper out of the polling place or deposits in the ballot box any other paper than the one given to him by the officer he will be subject to imprisonment for any term not exceeding six months with or without hard labour.

In the following forms of ballot paper given for illustration the candidates for mayor are Jacob Thompson and Robert Walker, for councillors John Bull and Morgan Jones and the elector has marked the first ballot paper in favour of Jacob Thompson for mayor and the second ballot paper in favour of John Bull for alderman.

MAYOR	Election of mayor for the town of for 19....	THOMPSON. JACOB THOMPSON, of the town of..... Merchant.	X
		WALKER. ROBERT WALKER, of the town of..... Physician.	
COUNCILLORS	Election of councillors of the town of for 19....	BULL. JOHN BULL, of the town of..... Butcher.	X
		JONES. MORGAN JONES, of the town of..... Grocer.	

104. Every polling place shall be furnished with a compartment or compartments in which the voters may mark their votes screened from observation and it shall be the duty of the returning officer or deputy returning officer to see that a proper compartment or compartments for that purpose is or are provided at each polling place. ^{Voting compartments}

105. Every returning officer or deputy returning officer shall before the opening of the poll cause the said printed directions to be placarded outside the polling place and also in every voting compartment of the polling place and shall see that they remain so placarded until the close of the polling. ^{Posting up of directions}

106. The poll book shall be in the following form:

REMARKS		
Refusal to Swear		
Sworn		
Objected to		
VOTED FOR	Councillors	
	Mayor	
Occupation		
Residence		
Qualification		
NAME		

ELECTIONS, PROCEDURE.

107. In the following sections 108 to 161 both inclusive the returning officer or deputy returning officer acting as such at any polling place at the municipal election is referred to as "the officer presiding at the poll." ^{Interpretation}

Poll clerks

108. The officer presiding or appointed to preside at any poll at an election may by writing under his hand appoint a poll clerk who in the absence of the returning officer or in case of his illness or inability to fulfil the duties required of him by this Act shall have the powers of the officer by whom he was appointed.

Constables

(2) The officer presiding at the poll may also appoint a constable to maintain order at the polling place or he may summon to his assistance in the polling place any police constable or peace officer for the purpose of maintaining order or of preserving the public peace or preventing any breach thereof or of removing any person who in the opinion of the officer presiding at the poll is obstructing the polling or wilfully violating the provisions of this Act.

Oath

109. Every returning officer, deputy returning officer, poll clerk, constable, candidate or agent authorized to be present at any polling place before exercising at any polling place any of the rights or functions of the office for which he has been so appointed shall take and subscribe before a justice of the peace or before the secretary-treasurer or (in the case of a poll clerk or constable or agent) before the returning officer at whose polling place he is appointed to act an oath in form following:

I, A.B., do swear that I will not at the election to be held in the town of on the day of 19.. attempt in any way unlawfully to ascertain the candidate or candidates for whom an elector has voted; and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the person or persons for whom any elector has voted. So help me God.

Duration of poll

110. The polls shall be kept open from ten o'clock in the forenoon until seven o'clock in the afternoon of the same day.

Agents

111. Any person producing to the officer presiding at the poll at any time a written authority to represent a candidate as his agent at a polling place shall be recognized as such by the said officer.

One vote for mayor

112. Every elector may vote once only for a mayor.

One vote for councillors

113. Every elector may vote once only for the number of councillors to be elected and any ballot containing votes for more or less than the number of councillors to be elected shall be void.

Penalty

114. Any person who votes oftener than he is entitled to vote under the provisions of this Act shall incur a penalty of \$50.

Evidence of voting

115. The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted.

116. The officer presiding at the poll shall immediately after the opening of the poll show the ballot box to such persons as are present in the polling place so that they may see that it is empty; he shall then lock the box and place his seal upon it in such manner as to prevent its being opened without breaking the seal; and he shall then place the box in his view for the receipt of ballot papers and shall keep it so in his view and locked and sealed during the hours of polling. ^{Exhibition of ballot box}

117. Where a person claiming to be entitled to vote presents himself for the purpose of voting the officer presiding at the poll shall proceed as follows: ^{Procedure in voting}

1. He shall ascertain that the name of such person or a name apparently intended therefor is entered upon the voters' list;

2. He shall record or cause to be recorded by the poll clerk in the proper columns of the poll book the name, qualification, residence and occupation of such person;

3. When the vote is objected to by any candidate or his agent, the officer presiding at the poll shall enter the objection in the poll book by writing his initials opposite the name of such person in the column headed "objected to," noting at the same time by which candidate or on behalf of which candidate the objection has been made by adding after his initials the name or initials of such candidate;

4. If any candidate or his agent demands that the voter be sworn the officer presiding at the poll shall administer to him the following oath:

You swear (*or solemnly affirm*) that you are the person named (*or intended to be named by the name of*) in the voters' list now shown to you (*showing the list to the voter*);

That you have not voted before at this election;

That you have not directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you tender at this election;

That you have not received anything nor has anything been promised you either directly or indirectly, either to induce you to vote at this election or for loss of time, travelling expenses, hire of teams or any other services connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election;

So help you God;

5. If the voter takes the said oath the officer presiding at the poll shall receive the vote and shall enter or cause to be entered opposite such person's name in the proper column of the said poll book the word "sworn" or "affirmed," according to the fact;

6. Where the voter has been required to take the oath or affirmation and refuses to take the same the officer presiding at the poll shall enter or cause to be entered opposite the name of such voter in the proper column of the poll book the words "refused to swear" or "refused to affirm" according to the fact and the vote of such person shall not be taken or received; and if the officer presiding at the poll takes or receives such vote or causes the same to be taken or received he shall incur a penalty of \$100;

7. When the proper entries respecting the person so claiming to vote have been made in the poll book in the manner prescribed the officer presiding at the poll shall place a check or mark opposite to the name of the voter in the voters' list to indicate that the name of such person has been entered in the poll book and that the person has been allowed to vote; and shall then sign his initials on the back of the ballot paper;

8. Except in the case mentioned in clause 6 the ballot paper shall then be delivered to the voter.

Explanation
to voter

118. The officer presiding at the poll may and upon request shall either personally or through his poll clerk explain to the voter as concisely as possible the proper method of voting.

Breach of
duty by
presiding
officer

119. Every officer presiding at the poll who refuses or wilfully omits to sign his initials upon the back of any ballot paper as provided for by clause 7 section 117 hereof shall forfeit to any person aggrieved by such refusal or omission the sum of \$100 in respect of every ballot paper deposited in the ballot box at his polling subdivision upon which the officer presiding at the poll has not signed his initials as aforesaid.

Initialling
poll book

120. The officer presiding at the poll shall place in the columns of the poll book headed "mayor" and "councillors," as the case may be, his initials opposite the name of every voter receiving a ballot paper to denote that the voter has received a ballot paper for mayor or councillors, as the case may be.

Marking
of ballot

121. Upon receiving from the officer presiding at the poll the ballot paper or papers prepared as aforesaid the voter shall forthwith proceed into the compartment provided for the purpose and shall then and therein mark his ballot paper or papers in the manner mentioned in the directions contained in section 103 hereof by placing a cross on the right hand side opposite the name of any candidate for whom he desires to vote or at any other place within the division which contains the name of the candidates, he shall then fold the ballot paper across so as to conceal the names of the candidates and the mark upon the face of the paper and so as to expose the initials of the said officer and immediately after leaving the compartment shall without delay and without showing the front to anyone or so displaying the ballot paper or papers as to make known to any person the names of the candidates for whom he has or has not marked his ballot paper or papers deliver same so folded to the officer presiding at the poll who shall without unfolding the same or in any way disclosing the names of the candidates or the marks made by the voter upon the ballot paper or papers verify his own initials and at once deposit the ballot paper or papers in the ballot box in the presence of all persons entitled to be present and then being present in the polling place; and the voter shall forthwith leave the polling place.

Secrecy
of vote

122. While a voter is in a voting compartment for the purpose of marking his ballot paper no person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot paper.

123. No person who has received a ballot paper from the officer presiding at the poll shall take the same out of the polling place; and any person having so received a ballot paper who leaves the polling place without first delivering the same to the said officer in the manner prescribed shall thereby forfeit his right to vote; and the said officer shall make an entry in the poll book in the column for "remarks" to the effect that such person received a ballot paper but took the same out of the polling place or returned the same declining to vote, as the case may be; and in the latter case the said officer shall immediately write the word "declined" upon such ballot paper and shall preserve the same.

Ballot
received but
not used

124. If a person claiming to be entitled to vote is incapacitated by blindness or other physical cause from marking his ballot paper or if a person claiming to be entitled to vote makes a declaration that he is unable to read or when the voting is on a Saturday that he is of the Jewish persuasion and objects on religious grounds to mark his ballot in the manner prescribed by section 121 hereof the proceedings shall be as follows:

Inability, etc.
to mark ballot

1. The officer presiding at the poll shall in the presence of the agents of the candidates cause the vote of such person to be marked on a ballot paper in the manner directed by such person and shall immediately place the ballot in the ballot box;

2. The officer presiding at the poll shall state or cause to be stated in the poll book by an entry opposite the name of such person in the proper column of the poll book that the vote of such person is marked in pursuance of this section and the reason why it is so marked;

3. The declaration aforesaid may be in the following form:

I, A.B., of, being named
on the voters' list for the town of, and
being a duly qualified elector of the said town of
do hereby declare that I am unable to read (or that I object
on religious grounds to mark a ballot paper, *as the case may be*).
A.B. his (X) mark.

Dated this day of 19 ;

4. In the case of a person who objects on religious grounds to mark a ballot paper the declaration may be made orally and to that effect and such declaration shall at the time of the polling be made by the person claiming to be entitled to vote before the officer presiding at the poll who shall attest the same according to the following form:

I, C.D., the undersigned, being the returning officer (or deputy returning officer *as the case may be*) of the town of, do hereby certify that the above (or *as the case may be*) declaration, having been first read to the above named A.B., was signed by him in my presence with his mark (or *in the case of one who objects on religious grounds to mark a ballot paper* was orally made before me).

(Signed) C.D.,
Returning Officer (or Deputy Returning Officer).

Dated this day of 19

125. A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may on delivering to the

Ballot spoiled
before voting

officer presiding at the poll the ballot paper so inadvertently dealt with and proving the fact of the inadvertence to the satisfaction of the said officer receive another ballot paper in the place of the ballot paper so delivered up; and the said officer shall immediately write the word "cancelled" upon the ballot paper so delivered to him; and he shall preserve the same till he makes his return under section 142.

Persons
entitled
to be in
polling
place

126. During the time appointed for polling no person shall be entitled or permitted to be present in the polling place other than the officers, candidates, poll clerks, constables or agents authorized to attend at the polling place and the voter who is for the time being actually engaged in voting.

Procedure on
close of poll

127. In every polling place the officer presiding at the poll shall immediately after the closing of the poll in the presence of the poll clerk, if any, and of such of the candidates or of their agents as may then be present open the ballot box and proceed to count the votes as follows; he shall examine the ballot papers and any ballot paper which has not on its back his initials or on which more or less votes are given than the elector is entitled to give or on which anything except the initials of the said officer on the back is written or marked by which the voter can be identified or which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified shall be void and shall not be counted.

Objections
to be noted

128. The officer presiding at the poll shall take a note of any objection made by a candidate or his agent or any elector authorized to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection.

Ballot to be
numbered and
initialled

129. Every objection shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialled by the officer presiding at the poll.

Ballot to
be endorsed

130. The officer presiding at the poll shall endorse "rejected" on any ballot paper which he rejects as invalid and shall endorse "rejection objected to" if any objection is made to his decision.

Count

131. The officer presiding at the poll shall then count up the votes given for each candidate upon the ballot papers not rejected and shall make up a statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him which statement shall be made under the following heads:

- (a) Name of the town and date of election;
- (b) Number of votes for each candidate;
- (c) Rejected ballot papers.

Signed
statement

132. Upon the completion of the statement it shall be signed by the officer presiding at the poll, the poll clerk, if any, and such of the candidates or their agents as are present and desire to sign such statement.

Agents at
count

133. Not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the voting or the counting of the votes.

134. Every officer presiding at a poll upon being requested so to do shall deliver to each of the persons authorized to attend at his polling place a certificate of the number of votes given for each candidate and of the number of rejected ballot papers. Certificate of count

135. Every officer presiding at a poll shall at the close of the poll certify under his signature on the poll book in full words the total number of persons who have voted and shall at the completion of the counting of votes in the presence of the candidates or agents of the candidates make up into separate packets, sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seals and marked upon the outside with a short statement of the contents of such packet, the date of the election, the name of the officer presiding and of the town: Certificate on poll book and sealing up of packages

- (a) The statement of votes given for each candidate and of the rejected ballot papers;
- (b) The used ballot papers which have not been objected to and have been counted;
- (c) The ballot papers which have been objected to but which have been counted by him;
- (d) The rejected ballot papers;
- (e) The declined and cancelled ballot papers;
- (f) The unused ballot papers;
- (g) A statement of the number of voters whose votes have been marked by the officer presiding at the poll under section 124 hereof with the declaration of inability; and the notes taken of objections made to ballot papers found in the ballot box; and shall make and subscribe before a justice of the peace or before the poll clerk a declaration in the following form:

I, C.D., returning officer (or deputy returning officer as the case may be) for the town of....., do solemnly declare (or if he is a person permitted by law to affirm do solemnly affirm) that to the best of my knowledge the annexed copies of the voters' list and poll book used at this election held on the.....day of December, 19...., were so used in the manner prescribed by law and that the entries required by law to be made therein were correctly made.

(Signed) C.D.,

Returning Officer (or Deputy Returning Officer).

Declared or affirmed before me at.....this.....day of.....19....

(Signed) K.Y.

Justice of the Peace (or Poll Clerk, as the case may be).

136. The packets shall be accompanied by a statement made by the returning officer or deputy returning officer showing the number of ballot papers entrusted to him and accounting for them under the heads of (1) counted, (2) rejected, (3) unused, (4) cancelled, (5) ballot papers given to voters who afterwards returned the same declining to vote, and (6) ballot papers taken from the polling place; which statement shall give the number of papers under each head and is in this Act referred to as "The Ballot Paper Account." Oath on return

(2) If there be only one polling place the returning officer shall retain such voters' lists, poll-book, packets, ballot box

and declaration until after he shall have publicly declared the result of the election and shall then forward same to the secretary-treasurer.

If there be more than one polling place the deputy returning officers for the additional polling places shall forward such voters' lists, poll-books, packets, ballot box and declarations to the returning officer who shall forward same to the secretary-treasurer at the same time as he forwards the voters' lists, poll-book, packets, ballot box and declarations for his own polling place.

Inspection of
poll book, etc.

(3) Such voters' lists, poll-books, packets, ballot boxes and declarations may be inspected at any time by any elector in the presence of the secretary-treasurer.

Ballot paper
account

137. If there be only one polling place the returning officer shall on the date and at the place previously appointed publicly declare to be elected the candidate or candidates having the highest number of votes for each office to be filled by the election; he shall also post up on some conspicuous place a statement under his hand showing the number of votes polled for each candidate.

(2) If there be more than one polling place the returning officer shall on the date and at the place previously appointed in the presence of such of the candidates or their agents as may be present break the seal of and open the ballot box received from each deputy returning officer and take the same proceedings as are by section 135 hereof required to be taken by the returning officer or deputy returning officers and shall make and initial all necessary corrections in the statement required by said section; the returning officer shall then add the votes given for each candidate at each polling place, including his own, and shall publicly declare to be elected the candidate or candidates having the highest number of votes for each office to be voted upon by the electors; he shall also post up on some conspicuous place a statement under his hand showing the number of votes polled for each candidate.

Summary by
returning
officer of
result

138. In case it appears upon the casting up of votes as aforesaid that two or more candidates for any office have an equal number of votes the returning officer whether otherwise qualified or not, shall at the time when he declares the result of the poll give a casting vote so as to decide the election.

Casting vote

And no other

139. Except in such case no returning officer shall vote at any election.

Other officials
not disqualified

140. All poll clerks and constables shall if otherwise qualified be entitled to vote.

Assumption
of office

141. The person or persons elected as aforesaid shall make the necessary declarations of office and qualification and shall assume office accordingly.

Return by
returning
officer to
secretary-
treasurer

142. Forthwith after the election the returning officer shall deliver to the secretary-treasurer the ballot boxes, packets and returns aforesaid; and the secretary-treasurer shall thereafter be responsible for their safe keeping and for their delivery when required.

143. The secretary-treasurer shall retain for one month all ballot papers received by him as aforesaid and shall then unless otherwise ordered by a judge cause them to be burned in the presence of two witnesses whose affidavit that they have witnessed the burning of the said papers shall be taken before the mayor or a justice of the peace and filed by the secretary-treasurer among the records of the town. Destruction of ballots

144. No person shall be allowed to inspect any ballot papers in the custody of the secretary-treasurer except under order of a judge to be granted by the judge upon satisfactory evidence on oath that the inspection or production of the ballot papers is required for the purpose of maintaining a prosecution for an offence in relation thereto or for the purpose of taking proceedings under this Act to contest an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the secretary-treasurer. Inspection

145. The order shall state the time and place for inspecting such papers and shall name the persons to be present at such inspection and shall be made subject to such conditions as the judge thinks expedient. Order for

146. In case at any time within fourteen days from the time when the ballot papers used at any election have been received by the secretary-treasurer it is on the affidavit of a credible person made to appear to a judge that the returning officer in counting the votes given at any election has improperly counted or rejected any ballot papers the judge may appoint a time to recount the votes; and he shall cause notice in writing to be given to the candidate or candidates whose seat or seats may be affected of the time and place at which he will proceed to recount the votes. Recount

147. At the time of the application for a recount the applicant shall deposit with the clerk of the court the sum of \$25 as security for the payment of costs and expenses and the said sum shall not be paid out by the clerk without the order of the judge. Deposit

148. The judge, the secretary-treasurer and each candidate notified to attend the recount of votes and his agent or solicitor and representatives of the press and no other person except with the sanction of the judge shall be entitled to be present at the recount of the votes. Attendance

149. The secretary-treasurer shall attend with the ballot boxes at the time and place appointed and the judge shall proceed to recount all the ballot papers received by the secretary-treasurer from the returning officer as having been given in the election complained of and he shall in the presence of the parties aforesaid if they attend or in the presence of such of them as do attend open the sealed packets containing— Procedure opening of packets

- (a) The used ballot papers which have not been objected to and have been counted;
- (b) The ballot papers which have been objected to but which have been counted by the returning officer;

- (c) The rejected ballot papers;
- (d) The declined and cancelled ballot papers;
- (e) The unused ballot papers.

In recounting the votes care shall be taken that the mode in which any particular voter has voted shall not be discovered.

Time

150. The judge shall as far as practicable proceed continuously with the recount of the votes allowing only time for refreshment, excluding only Sundays and on other days excluding only except so far as he and the parties aforesaid agree the hours between six o'clock in the evening and nine o'clock on the succeeding morning; during the excluded time the judge shall place the ballot papers and other documents relating to the election under his own seal and the seals of such others of the parties as desire to affix their seals and shall otherwise take precautions for the security of the papers and documents.

Mode of
counting

151. The judge shall proceed to recount the votes as follows:

1. He shall examine the ballot papers;
2. Any ballot paper on which votes are given for more or less candidates than are to be elected for the office in question or on which anything except the initials of the returning officer on the back is written or marked by which the voter can be identified and any ballot paper which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified shall be void and shall not be counted;

3. The judge shall take a note of any objection made by a candidate or by his agent to any ballot paper and shall decide any questions arising out of the objection; and the decision of the judge shall be final;

4. The judge shall then count the votes given for each candidate upon the ballot papers not rejected and shall make a statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him; which statement shall be made under the several heads following:

- (a) Names of the candidates;
- (b) Number of votes for each candidate;
- (c) Ballot papers wanting initials of returning officer;
- (d) Ballot papers rejected as marked for more candidates than were to be elected;
- (e) Ballot papers rejected as having upon them a writing or mark by which the voter can be identified or as torn, defaced or otherwise dealt with by the voter so that he can thereby be identified;
- (f) Ballot papers rejected as unmarked or void for uncertainty;

5. Upon the completion of the recount or as soon as he has thus ascertained the result of the voting the judge shall seal up all the ballot papers in separate packets and shall forthwith certify the result to the secretary-treasurer, who shall thereupon by notice to be posted in his office declare elected the candidate having the highest number of votes; and in case of an equality of votes the secretary-treasurer shall have the casting vote;

6. Nothing in this section contained shall prevent or affect any remedy which any person may have under the provisions contained in *The Controverted Municipal Elections Act* by proceedings in the nature of *quo warranto* or otherwise.

152. All costs, charges and expenses of and incidental to an application for a recount and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the judge may determine regard being had to any costs, charges or expenses which in the opinion of the judge have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent. Costs

(2) The costs shall be on the District Court scale and may if the judge so orders be taxed in the same manner and according to the same principles as costs are taxed between solicitor and client.

(3) The payment of any costs ordered by the judge to be paid may be enforced by execution to be issued upon filing the order of the judge and a certificate showing the amount at which the costs were taxed and an affidavit of the nonpayment thereof.

153. No person shall—

Penalties

- (a) Without due authority supply any ballot paper to any person; or
- (b) Fraudulently put into a ballot box any paper other than the ballot paper which he is authorized by law to put in; or
- (c) Fraudulently take out of the polling place any ballot paper; or
- (d) Without due authority destroy, take, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purpose of the election; or
- (e) Apply for a ballot paper in the name of some other person whether such name is that of a person living or dead or of a fictitious person or advise or abet, counsel or procure any other person so to do; but this provision shall not be construed as including a person who applies for a ballot paper believing that he is the person intended by the name entered on the voters' list in respect of which he so applies; or
- (f) Having voted once and not being entitled to vote again at an election apply at the same election for a ballot paper in his own name or advise or abet, counsel or procure any other person so to do.

(2) No person shall attempt to commit any offence specified in this section:

(3) A person guilty of any violation of this section shall be liable on summary conviction before two justices of the peace if he is the returning officer to imprisonment for any term not exceeding two years with or without hard labour; and if he is any other person to imprisonment for a term not exceeding six months with or without hard labour, or to a fine of not less than \$50 nor more than \$500 or to both fine and imprisonment.

154. Every returning officer, deputy returning officer or poll clerk who is guilty of any wilful misfeasance or any wilful act Penalties

or omission in contravention of sections 108 to 161 inclusive hereof shall in addition to any other penalty or liability to which he may be subject forfeit to any person aggrieved by such misfeasance, act or omission a penal sum of \$200.

Penalties

155. Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk or agent and no other person shall interfere with or attempt to interfere with a voter when marking his ballot paper or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given.

(5) No person shall directly or indirectly induce a voter to display his ballot paper after he has marked the same so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot paper.

(6) Every person who acts in contravention of any of the provisions of this section shall be liable on summary conviction before a police magistrate or two justices of the peace to imprisonment for any term not exceeding six months with or without hard labour, or to a fine of not less than \$50 nor more than \$500 or to both fine and imprisonment.

Secrecy of vote

156. No person who has voted at an election shall be required to state for whom he has voted in any legal proceedings to question the election or returns or otherwise relating thereto.

Candidate may act as agent

157. A candidate may himself undertake the duties which any agent of his might have undertaken or he may assist his agent in the performance of such duties and may be present at any place at which his agent is by this Act authorized to attend; but no candidate shall be present at the marking of a ballot for a voter under section 124 hereof.

Candidates and agents

158. When in the sections of this Act relating to elections of mayor or councillors expressions are used requiring or authorizing any act or thing to be done or implying that any act or thing is to be done in the presence of the agents of a candidate or candidates such expressions shall be deemed to refer to the presence of such agents as are authorized to attend and as have in fact attended at the time and place where such act or thing is being done; and if the act or thing is otherwise duly done the nonattendance of any agent at such time and place shall not invalidate it.

159. No election shall be declared invalid by reason of ^{Errors not affecting result} noncompliance with the provisions of this Act as to the holding of the polls or the counting of the votes or by reason of any mistake in the use of any of the forms contained in this Act or by reason of any other irregularity if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act and that such noncompliance, mistake or irregularity did not affect the result of the election.

160. All reasonable expenses incurred at any election under ^{Expenses} this Act shall be paid by the treasurer out of the funds of the town upon the production to him of proper accounts verified in such manner as the council may direct.

161. The secretary-treasurer shall prior to every election ^{Returning officer to be furnished with copies of Controverted Municipal Elections Act} or the voting upon any by-law furnish the returning officer with at least two copies of sections 4 and 5 of *The Controverted Municipal Elections Act* and it shall be the duty of the officer presiding at every polling place to post the same in conspicuous places at his polling place and see that they are so kept posted during polling hours.

PART IV.

POWERS AND DUTIES OF THE COUNCIL.

162. The jurisdiction of the council shall be confined to the ^{Local extent} limits of the town except where authority beyond the same is expressly given by this or any other Act.

163. The council of every town may pass by-laws not inconsistent with any Statute of Canada or Act of the province or with any rules or regulations having the force of law made pursuant to any such Statute or Act for—

1. Raising of its revenue by assessment on lands; ^{Raising revenue}
2. Authorizing the mayor and treasurer from time to time ^{Temporary loans} to borrow from any person, bank or corporation, such sums as the council deem necessary to meet the then current expenditure of the town and the estimated expenditure of any school district transmitted to the treasurer of the town under the provisions of section 268 hereof until such time as the taxes levied therefor can be collected and the council shall by such by-law provide for such loan being secured by promissory note or notes of the mayor or treasurer given under the seal of the municipality and on behalf of the council, and the amounts so borrowed shall be repaid out of and shall be a first charge on the taxes collected for the year in which such amount was borrowed, and that in any year the amount so borrowed and outstanding shall not exceed seventy-five per cent. of the taxes levied by the town for the year in which such amount was borrowed; 1914, c. 7, s. 2; 1915, c. 15, s. 1.
3. Exemption from taxation for the then current year; ^{Exemption from taxation}
4. Compromising upon such terms as may be agreed upon ^{Compromising taxes} for the payment of arrears of taxes;
5. Compelling the payment of taxes for the current year or arrears of taxes or both before voting at any municipal election or on any by-law of the municipality;

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|------------------------|---|
| | 6. The prevention of cruelty to animals; |
| Agricultural Societies | 7. Granting aid to agricultural societies or to boards of trade or incorporated mechanics' and literary institutes; |
| Poor relief | 8. The relief of the poor; |
| Police | 9. Appointing policemen or a license inspector or inspectors and regulating and defining their duties and their remuneration; |
| Public health | 10. Providing for the health of the town and against the spreading of contagious or infectious diseases and appointing and defining the duties of a health officer and a local board of health, and engaging such nurses as may be deemed at any time necessary to provide for the care of the indigent sick; |
| Scavengers | 11. The making of provisions for the proper scavenging of the town and licensing and regulating scavengers and fixing a schedule of rates to be charged by scavengers; |
| Planting trees | 12. Providing for planting and protecting trees on highways and other public places; |
| Census | 13. Taking the census of the town; |
| Appointing officials | 14. Appointing such officials under such names as the council may deem necessary for the carrying out of the work of the town, defining their duties and providing for their remuneration; |
| Expropriating land | 15. Acquiring so much real property as may be required for highways, roads, streets, bridges, alleys and byways in the town and for parks and acquiring any real property for the purpose of preventing the operation of any and all such coal mines and coal pits within, upon or under any portion of the limits of the town as in the opinion of the council injuriously affect or endanger property within the limits of the town making due compensation therefor to the parties entitled thereto; |
| Public works | 16. Laying out, constructing, repairing and maintaining highways, roads, streets, bridges, alleys, byways and culverts; |
| Closing streets, etc. | 17. Closing, selling or leasing any public street, lane, road or highway the fee of which is not vested in the Crown; notice of the intention of the council to pass such by-law shall at least two weeks prior to the date fixed for the passing thereof be served upon the occupiers of and the persons registered and assessed as the owners of, or otherwise interested in the lands abutting upon the portion of the street, lane, road or highway so proposed to be closed either by delivering such notice to said owners or occupiers or other persons interested, personally or by mailing same by registered mail to their address as shown by the last revised assessment roll of the town or by the records of the land titles office for the registration district within which such land is situated; such notice shall also be published once each week for at least two consecutive weeks in some newspaper published in the town or if there be no newspaper published in the town in some newspaper circulating therein; the last of such publications shall be at least two weeks before the date fixed for the passing of the by-law; |
- (a) Before the passing of such by-law any person claiming that any land in which he is interested in as owner, occupier or otherwise, will be prejudicially affected thereby and petitioning to be heard shall be afforded an opportunity to be heard either by himself or his agent; and any person occupying, owning or otherwise interested in land sustaining damages thereby shall be compensated for such damages in accordance with sections 228 to 241 hereof;

- (b) No by-law for the closing of any public street, lane, road or highway leading to any river or situated on the bank of any river, stream, lake or other water shall take effect until approved by the Minister;

18. The erection of halls, lockups, weigh houses, markets and such buildings as may be beneficial to the municipality and the expropriation of lands therefor; Public buildings

19. The establishment and regulation of public markets and imposition of penalties for light weights, short measurement and any breach of contract in public markets and restraining or preventing selling on the streets; Public markets
Selling on streets

20. Establishing town scales for weighing or measuring and compelling the weighing or measuring thereon or thereby of anything sold by weight or measurement and establishing or regulating the fees to be paid for weighing and measuring on such scales and compelling dealers in coal to weigh upon such scales all coal sold by them if requested to do so by the purchaser and prohibiting the owners of private scales from charging fees for the use of the same when such town scales are in operation; Public scales

21. Acquiring, erecting, establishing and operating parks, skating rinks and curling rinks and acquiring land within or without the town for the purposes of the same; Parks, rinks, etc.

22. Installing, maintaining and operating any ferry where-soever situated licensed under the provisions of *The Public Works Act*; Ferries

23. Regulating and controlling the use of wells and other sources of supply of water for the town and making provision for a supply of water for the town and regulating the use and rates to be paid for same and preventing the putting of anything prejudicial to health in any stream or any body of water for use within the town; Public wells

24. Regulating the size and structure and number and construction of doors in churches, theatres and halls or other places of public meeting or places of amusement and the street gates leading thereto and also the size and structure of stairs and stair railings in all such buildings and the strength of beams and joists and other supports, the method of lighting the same and the provisions of stand pipes and other fire appliances in all such buildings; Regulating public buildings

25. Preventing the obstruction of the halls, aisles, passage ways, alleys or approaches in any church, theatre, hall or other place of public meeting during the occupation of the same for a public assemblage; Preventing obstructions in aisles, etc.

26. Providing for and regulating the construction and maintenance upon all buildings more than two storeys in height of a sufficient number of proper ladders, fire balconies and fire escapes; Regulating fire escapes

27. Regulating the size and strength of walls, beams, joists, rafters, roofs and other supports in all buildings within the town; Regulating walls, etc.

28. Subject to the provisions of *The Public Health Act*, constructing and controlling such sewers, drains and ditches either within or without the bounds of the town as may be expedient to secure the proper drainage of the town and the disposal of the sewage thereof; Constructing sewers, etc.

29. Building and repairing sidewalks, preventing the leading, riding and driving of cattle or horses on sidewalks; Building sidewalks, etc.

- Bicycles** 30. Controlling or preventing the riding of bicycles or tricycles on any sidewalk;
- Clearing snow, etc., by residents** 31. Compelling persons to remove and clear away all snow, ice, dirt and other obstructions from the sidewalks adjoining the premises owned or occupied by them;
- By non-residents** 32. Providing for the clearing of sidewalks adjoining property of nonresidents and all other persons who for twenty-four hours neglect to clean the same and in case of nonpayment of the expenses thereof by the owner or occupant charging the same against the property as a special tax to be recovered in like manner as and with other taxes;
- Quarries, etc.** 33. Purchasing, contracting and working any quarry, gravel or sand pit wherever situated for the purpose of the town;
- Size of bread** 34. Fixing the quality and weight of bread offered for sale or sold within the town and prescribing the marks which it should bear and making and enforcing regulations for the sanitary conditions of bread, bakehouses and bakeries;
- Regulating food products** 35. Regulating the sale of any articles used for food or drink and providing for the inspection of the same and for seizure and forfeiture of such articles offered or exposed for sale;
- Authorizing construction of gasworks, etc.** 36. Granting any special franchise subject to such regulations as the council may make and subject to the ratification of the by-law by two-thirds of the burgesses voting thereon as hereinafter provided but no such special franchise shall save as herein otherwise provided be granted for a longer period than ten years; 1913 (1st Session), c. 8, s. 9.
- Electric and other works** 37. Building, erecting, buying or leasing, controlling and operating any electric light, heat, power, natural gas or gas plant and, subject to the provisions of *The Public Health Act*, any waterworks plant or purchasing stock in any incorporated company carrying on or formed for the purpose of carrying on any of the said businesses subject to the ratification of the by-law by two-thirds of the burgesses voting thereon—
- (a) For all purposes connected with the carrying on of any of the above works the town is hereby authorized to acquire any lands either within or without the town and to enter into any contract necessary for the proper carrying on of said businesses, including in the case of natural gas plants all contracts in regard to drilling for such natural gas, and generally to conduct said works and businesses, including in the case of natural gas plants necessary drilling, arising in connection therewith either by the council or by superintendents or agents appointed for the purpose as fully and freely and with all the powers and rights they would have if specially incorporated for the purpose of carrying on said business;
 - (b) In case the town engage in any of the businesses heretofore referred to the council shall have power to appoint by by-law superintendents for the purpose of carrying on such businesses or any of them and to fix the remuneration of such superintendents and all necessary contracts in connection with such businesses may be done and performed in the name of the said superintendents who shall be called "electric light superintendents," or as the case may be, and by that name shall have all the powers for properly carrying on the businesses which are herein granted to the town:

Provided that the mayor or any councillor may be appointed a superintendent and shall not by accepting such position forfeit his seat in the council or be deemed to be disqualified therefor under the provisions of section 15 hereof; 1913 (2nd Session), c. 22, s. 3.

38. Authorizing the mayor and secretary-treasurer to sign any contract with any person to supply light, power, gas, natural gas or water for the use of the corporation for any period not exceeding ten years subject to the ratification of the by-law by two-thirds of the burgesses voting thereon;

Contracts
for light
or water

39. Purchasing or otherwise acquiring and holding any lands situated within or without the limits of the town which may be required for a nuisance ground for the purpose of disposing of the sewage and other refuse of the town;

Purchase of
nuisance
ground

40. Compelling the removal of dirt, filth, dust or rubbish off the roads, lanes or any other places within the town by the party depositing the same and the placing of the same where ordered by the council either within or without the town;

Removal of
rubbish

41. Regulating and controlling the use of nuisance grounds owned or controlled by the town;

Control of
nuisance
grounds

42. Preventing or controlling the construction of privy vaults and providing for the keeping of the same in a proper state of cleanliness;

Controlling
privies, etc.

43. Preventing nuisances and compelling the abatement thereof generally;

Abatement
of nuisances

44. Preventing or controlling the erection and use of slaughter houses within the boundaries of the town;

Slaughter
houses

45. Inspecting and regulating slaughter houses, dairies and all other places outside the area of the town from or through which food is brought for sale within the boundaries of the town and framing and enforcing building and sanitary regulations for the said slaughter houses, dairies and other places; 1914, c. 7, s. 2.

Outside the
town

46. Preventing or controlling the storage of gunpowder and other combustible, explosive or dangerous materials within the boundaries of the town;

Storage of
explosives

47. Directing the removal of doorsteps, porches, railings or other erections or obstructions projecting into or over any sidewalk, street or other public place at the expense of the proprietor of the property connected with which such projections are found and assessing said expense if not paid against said lot or property;

Removal of
obstructions

48. Appointing street and building inspectors and providing their duties and for providing for the summary removal of any pole or wire or other obstruction from the street or for the pulling down or removal or closing to the use of the public of any building or other erection within the town which shall be deemed dangerous by such inspectors;

Building
inspectors

49. Naming or numbering the streets or avenues and changing the name and numbers or any of them of streets and avenues now existing or hereafter laid out within the town;

Naming
streets, etc.

50. Regulating the rate or pace of riding or driving any vehicle other than a motor vehicle within the town;

Regulating
speed of
vehicles

51. Preventing the encumbrance of the streets and other public places by vehicles or otherwise;

Preventing
encumbering
of streets

52. Preventing or controlling the erection and use of billboards for advertising purposes whether the notices be printed or otherwise displayed;

Controlling
bill boards

Billposters

53. Regulating and licensing billposters and preventing the pulling down and defacing of signboards and billboards or printed or other notices lawfully affixed and for preventing the defacing of private or other property by printed or other notices;

Licensing hawkers

54. Licensing, regulating and governing hawkers or pedlars and transient traders, but a municipal license shall not be granted to any hawker or pedlar unless the applicant is the holder of a provincial license for auctioneers, hawkers or pedlars; 1913 (2nd Session), c. 22, s. 4; 1914, c. 7, s. 2.

Licensing horse dealers

55. Licensing and regulating all persons carrying on business as sellers of horses or mules within the town or bringing horses or mules within the town for the purpose of selling or offering the same for sale;

Dog tax

56. Restraining and regulating the running at large of dogs and imposing a tax on the owners, possessors or harbourers of dogs and killing dogs running at large;

Licensing billiard tables

57. Licensing, regulating and governing all persons who for gain or hire directly or indirectly, keep or have in their possession, on their premises or under their control, any pool, billiard or bagatelle tables, in a place of public entertainment whether such pool, billiard or bagatelle table be used or not, but if any such person is required to take out a provincial license therefor, a license shall not be issued hereunder unless such person is the holder of such provincial license; and for regulating and governing all persons who use or frequent premises where any pool, billiard or bagatelle table is so kept; 1914, c. 7, s. 2.

(2) Licensing, regulating and governing public bowling alleys, but if a provincial license is required in respect thereof, a license hereunder shall not be issued, unless such provincial license has been taken out; and regulating and governing all persons who use or frequent same; 1914, c. 7, s. 2.

Licensing shows, etc.

58. Preventing or regulating and licensing exhibitors of wax works, menageries, circuses, shows, theatres, caravans and for requiring the payment of license fees for authorizing the same not exceeding \$500 per day and for imposing fines on persons for infringing such by-laws to the amount of \$50 over and above the amount of the license fee; provided such fine and costs and fee may be levied by sale of the goods of the showman or the goods belonging to or used in connection with the show or exhibition whether owned by the showman or not and in addition the offender may be imprisoned for six months. A license shall not be issued to any person hereunder unless such person is the holder of a provincial license therefor, if any such license required; 1914, c. 7, s. 2.

Licensing places of amusement

59. Preventing or regulating and licensing exhibitions held or kept for hire or profit, halls, opera houses and other places of amusement;

59a. Licensing, regulating and governing cinematograph and moving picture entertainments, but if a provincial license is required in respect thereof, a license hereunder shall not be issued unless such provincial license has been taken out; 1914, c. 7, s. 2.

Licensing businesses, etc.

60. Controlling, regulating and licensing livery, feed and sales stables, laundries, money lenders, automobile liveries, real estate dealers and agents, intelligence offices or employment offices or agents, butcher shops or stalls, skating, roller or curling rinks and all other businesses, industries or callings carried on or to be carried on within the municipality or commercial travellers

or other persons selling goods, wares, merchandise or other effects of any kind whatsoever or offering the same for sale by sample cards, specimens or otherwise for or on account of any merchant, manufacturer or other person selling directly to the consumer not having his principal place of business in the town and collecting license for the same; 1913 (1st Session), c. 8, s. 9; 1913 (2nd Session), c. 22, s. 5.

61. Licensing porters, water dealers, milk dealers or carriers Licensing porters, etc. or common carriers, draymen, hackmen, omnibus drivers and all persons performing work with horses or mules within the town for hire and regulating the same and fixing a schedule of fees to be charged by the same;

62. Establishing a fire department, appointing the officers Fire department thereof, regulating and providing their remuneration and prescribing their duties;

63. Providing protection from fire by the purchase of engines Fire protection and equipment and authorizing the building of firewalls and granting bonuses for the same;

64. Compelling the inhabitants to assist and aid in the extinguishing of fires, pulling down and razing building and removing property in the vicinity of fires for the purpose of preventing the spreading of the same; and providing compensation for loss or damage sustained by reason of said pulling down, razing or removal: Compelling assistance in putting out fire, razing buildings

Provided that in all cases where a building is razed by the order of anyone acting under the authority of the council the council shall in all cases compensate the owner to the amount of three-quarters of the value of the property destroyed;

65. Regulating the erection and repair of buildings and their distance from streets and lanes and preventing the erection of wooden buildings or additions thereto and wooden fences in specified parts of the town and prohibiting the erection or placing of buildings other than with main walls of brick, iron, concrete or stone and roofing of incombustible material within defined areas of the town and regulating the construction and dimensions of chimneys and enforcing the proper cleaning of the same and authorizing the pulling down or removal at the expense of the owner thereof of any building or erection which may be constructed or placed in contravention of any by-law prohibiting the maintenance or erection of any building used or to be used as a livery, feed or sale stable, blacksmith shop, laundry, implement warehouse, creamery, or lumber, coal or wood shed in such parts of the town as the council may designate; Regulating erection of wooden buildings, etc.

66. Generally establishing such measures as the safety and welfare of the town may require for the prevention and extinguishment of fires; notwithstanding any other provisions of this Act; Prevention of fires

67. Compelling the destruction of noxious weeds and plants by the owner or occupant of the premises upon which the same may be grown or standing or in default destroying or removing the same and charging the expenses so incurred as taxes against such premises for the current year; Destruction of noxious weeds

68. Prohibiting the discharge of firearms or explosives in the town;

69. Taking over, purchasing, erecting, maintaining and regulating hospitals or granting aid for the erection and maintenance of the same either by direct payment or by guaranteeing the repayment of the principal and interest of any loan Hospitals

obtained by the hospital authorities provided that the amount of any such guarantee together with the debenture indebtedness of the town shall not exceed the amount fixed by section 178 hereof subject to the ratification of the by-law by two-thirds of the burgesses voting thereon;

Licensing
pawnshops

70. Licensing and regulating pawnshops, junk stores or shops, laundries and second hand stores or shops and fixing the amount to be paid for license for the same and the time such license shall be in force;

Regulating
railways

71. Sanctioning and permitting the track of any railroad, street railway or tramway to be laid on, along or across any street, lane or avenue of the town subject to the ratification of the by-law by two-thirds of the burgesses voting thereon as herein-after provided and to provide compensation for any damage that may be done on the property or on said streets, lanes or avenues, the amount of said damage if any to be settled in the manner provided therein in regard to the expropriation of land and to regulate the use of locomotive engines and of steam or other motive power on any or every portion of any railroad within the town and to provide and regulate the speed of cars upon any and every part of any railroad within the town and to impose a penalty of not less than \$50 nor more than \$500 for any breach of such by-law;

Regulating
railway trains

72. Regulating the rate of speed of railway trains and engines along or across any of the streets, lanes or avenues of the town and preventing the obstruction of any streets, lanes or avenues by leaving, keeping or allowing to stand thereon any engine, train, car or cars or truck for a longer period than five minutes at a time and preventing the loading or unloading of any car or truck alongside or from any street crossing or sidewalk in the town and blowing of whistle or ringing of bells while the engine is going along or across any street, lane or avenue except under conditions mentioned in such by-law and imposing a penalty for breach of such by-law of not more than \$500;

Procedure

(a) In any proceedings taken for infraction of by-laws passed under the two preceding clauses service of necessary documents upon any resident employee of the railroad shall be good service upon the owners of the railroad and any of the persons in charge of the engine, car, truck or train as well as the railroad company shall be liable for the penalty provided in the by-law and proceedings may be taken against either or any of them;

Parks,
exhibition
grounds, etc.

73. Acquiring any estate in landed property within or without the town for a public park, garden or walk or for exhibition grounds or a site for industrial or manufacturing purposes, and for the disposal thereof when no longer required for the purpose or when the council of the town may deem it advisable to dispose of the same; provided, however, that such land or any portion thereof shall not be disposed of for a consideration less than the assessed value of adjacent land similarly situated and that payment therefor shall be made in full in not less than three years from the date of sale, and for accepting and taking charge of landed property within the town dedicated for a public park, garden or walk for the use of the inhabitants of the town; 1913 (2nd Session), c. 22, s. 6.

74. The erection of buildings and fences for the purpose of such garden, walk or place for exhibitions as the council deems necessary; Erecting of buildings, etc.

75. The management of such park, garden, walk or place for exhibitions and buildings; Management of parks, etc.

76. Appointing a publicity or industrial agent, and providing for his remuneration, or assisting the board of trade of the town by a grant of money thereto; Appointment of publicity agent, etc.

77. Subject to the provisions of *The Early Closing Act* the enforcement of closing at any specified hour of all retail shops as the same are defined by the said Act; Closing of shops

78. Purchasing, maintaining and controlling a cemetery outside the town and preventing the burial of the dead within the town; Regulating burial of the dead

Provided that the provisions of *The Cemetery Ordinance* shall *mutatis mutandis* apply to any such cemetery;

79. Restraining and regulating the running at large or trespassing of any animals and for providing for distraining and impounding them and for determining the compensation to be allowed for carrying out the provisions of such by-law and for services rendered in respect to and sustenance supplied for animals distrained or impounded; for appointing pound-keepers and providing sufficient yards, buildings and enclosures for the safe keeping of such animals as it may be the duty of the poundkeeper to impound; for appraising the damages to be paid by the owners of animals impounded for trespassing and (subject to the provisions hereinafter referred to) for providing for the sale of animals impounded in case they are not claimed within a reasonable time or in case the damages, costs and expenses are not paid; Restraining running at large of animals

Provided that in addition to any provision that may be contained in any by-law passed by the council of any town under this clause the provisions of sections 26, 27, 28, 29 and 30 and sections 33 to 36 inclusive of *The Pound District Ordinance* or any provisions that may be substituted therefor or enacted in amendment thereof shall apply to and be observed in the case of any proceedings under such by-law: 1913 (1st Session), c. 8, s. 9.

Provided, however, that the sale of any impounded animal as provided for in section 28 of *The Pound District Ordinance* may be held at such place in the town as may be designated by by-law;

80. Disposing of or devoting to some other town purpose in whole or in part any property acquired by the town for a specific purpose by gift or otherwise when such property is in the opinion of the council no longer required or not required for the time being for the purpose for which it was originally acquired or to which it has been subsequently devoted; Disposing of town property

81. Regulating the time after which children shall not be in a public place at night without proper guardianship and the age or apparent age of boys and girls respectively under which they shall be required to be in their homes at the hours appointed; Preventing children being on the streets at nightfall

82. Preventing the posting or exhibiting of placards, play bills, posters, writings or pictures, which are indecent or may tend to corrupt or demoralize the public or individuals, or the writing of words which are indecent or may tend to corrupt or demoralize the public or individuals, or the making of pictures or drawings, which are indecent or may tend to corrupt or

demoralize the public or individuals on walls or fences or elsewhere in streets or public places;

Vice,
drunkenness,
etc.

83. Preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language and other immorality and indecency;

Gaming

84. Suppressing disorderly houses and houses of ill-fame;

85. Suppressing gambling houses, and for seizing and destroying faro-banks, rouge et noir, roulette tables, and other devices for gambling found therein;

Horse racing

86. Regulating horse racing;

Vagrants

87. Restraining and punishing vagrants, mendicants and persons found drunk or disorderly in any street, highway or public place;

Indecent
exposure

88. Preventing indecent public exposure of the person and other indecent exhibitions;

Bathing

89. Preventing or regulating the bathing or washing the person in any public water in or near the town;

Preserve
order, etc.

90. Generally to make and establish all such by-laws for the government and good order of the municipality and the suppression of vice and immorality, protection of property and the promotion of health not inconsistent with the law.

Bonuses to
railways
prohibited

164. No council of any town shall have power—

1. To grant a bonus or any other aid to any person, company or corporation for the construction, establishment or operation of any manufactory, mill or railway or any other business or concern whatsoever either within or without the municipality;

2. To exempt from taxation any such manufactory, mill or railway or other business or concern, nor subscribe for stock in or guarantee the bonds, debentures or other securities thereof: 1913 (1st Session), c. 8, s. 10.

Provided also that if the council of any town attempt to pass a by-law contrary to the above provisions in regard to bonusing, each member of the council voting in favour of such by-law shall be liable on summary conviction to a penalty not exceeding one hundred dollars exclusive of costs, and such members of council shall be disqualified from holding any municipal office for a period of two years. 1913 (2nd Session), c. 22, s. 7.

Care of the sick

165. It shall be the duty of the council to make due provision for the care and treatment of any person who has been a resident of the town for at least three months who falls ill and who for financial reasons or otherwise is incapable of procuring the necessary medical attendance and treatment.

Demand by
hospital board

166. Should the council deem it advisable to place any such person in any hospital which receives aid from the general revenue of the province the board of such hospital may demand and collect from the council the sum of seventy-five cents per day for each day's actual care of the patient in such hospital.

Recovery of
payment from
patient

167. Any sum thus paid by the town to the hospital may be recovered from the said patient by action or by distraint by the treasurer of the town or if deemed advisable it may be added to and form part of the taxes levied by the town against any land owned by the said patient and shall be collectable in the same manner and to the same extent as all other taxes; and

in the event of the death of the said patient the council may recover the said sum from his estate, if any.

168. Notwithstanding anything contained in the next two preceding sections any council may if it thinks fit enter into an agreement with the board of any hospital whereby such board will undertake to care for and treat all such patients for such annual sum and subject to such conditions and restrictions as may be agreed upon.

Agreement
between
council and
board

169. The council shall have power subject to the consent of the Lieutenant Governor in Council and within the limitations and restrictions and under the conditions set forth in any order in council in that behalf to borrow from any bank or person such sums of money as may be necessary for the purpose of purchasing coal, wood, or other fuel and temporarily to operate fuel yards by purchasing supplies of such fuel and selling and disposing of the same in anticipation of or during a period of such scarcity or failure of supply of fuel or such threatened scarcity or failure of supply thereof as may appear to create an emergency.

Power to
establish fuel
yards in event
of emergency

170. In all cases in which in this Act it is provided that the council may license any business, building, calling, trade or occupation or the keeper of any articles or animals for use or hire the council shall also have full power and authority by-law to provide regulations in connection therewith and governing the conduct of same and providing the manner of collecting of such licenses and providing penalties for not having such license and for breach of conditions on which such licenses are issued and also for fixing fees to be charged for such licenses and regulating the prices or fees to be charged by the holders of such licenses and providing for the collection or payment of the same and generally for the protection of those persons holding licenses.

Licenses

171. The imposing or collecting of license fees shall not in any case be deemed to prevent the assessing of land owned or occupied by license holders in the same manner as other land or the collection of taxes thereon.

Liability for
both license
fees and taxes

172. When the council has authority to direct that any matter or thing shall be done by any person the council may also direct that in default of its being done by such person it shall be done at the expense of the person in default and the town may recover the expense thereof with costs by action or in like manner as municipal taxes.

Council may do
omitted work

173. Every by-law under this Act shall be under the seal of the town and shall be signed by the mayor and countersigned by the secretary-treasurer and every by-law shall have three distinct and separate readings before it is finally passed; but not more than two readings shall be had at any one meeting of the council except by the unanimous vote of the members present thereat.

By-law to be
signed and
have three
distinct
readings
before
passed

174. A copy of any by-law written or printed and under the seal of the town and certified to be a true copy by the mayor or secretary-treasurer shall be received as *prima facie* evidence

Evidence of
its passing

of its due passing and of the contents thereof without further proof in any court unless it is specially pleaded or alleged that the seal or the signature of the mayor or secretary-treasurer has been forged.

Petition for
submission of
by-laws

175. When one-half of the resident ratepayers whose names appear on the last revised assessment roll petition the council for the submission of a by-law on any question concerning a matter within the legislative jurisdiction of the council the same shall be granted and a by-law introduced by the council within four weeks after the presenting of the said petition which by-law shall be advertised in some newspaper published in the town or in case there is no newspaper published in the town in any newspaper circulated therein in at least one number of such paper each week for two successive weeks and if the majority of the votes polled is in favour of the said by-law the by-law shall be finally passed by the council within four weeks of the voting thereon. 1913 (2nd Session), c. 22, s. 8.

(2) The proceedings upon a vote under the provisions of this section shall be the same *mutatis mutandis* as those provided herein for voting on money by-laws.

Validation
of by-laws

176. In case no application to quash a by-law is made within two months next after the final passing thereof the by-law shall be valid and binding notwithstanding any want of substance or form therein or in the proceedings prior thereto or in the time or manner of the passing thereof.

(2) Provided, however, that in the case of a by-law requiring the assent of the electors where the by-law has not been submitted to or has not received the assent of the electors an application to quash the by-law may be made at any time.

MONEY BY-LAWS.

177. A debt contracted pursuant to a by-law and not payable within the current year shall be made payable within a period not in any case to exceed forty years from the date of the issue of the debentures issued thereunder.

Contracting
debts

178. Every town may subject to the following provisions pass by-laws for contracting debts by borrowing money or otherwise and for levying rates for the payment of such debts on the rateable property of the town for any purpose within the jurisdiction of the town or for roads, bridges, waterworks or drainage works outside the limits of the town:

Provided that no town shall have power to pass such by-laws for contracting debts to a greater extent than twenty per cent. of the rateable property in the town.

Assent of
two-thirds of
burgesses

179. By-laws for contracting debts or borrowing money which do not provide for the payment of the debts contracted or money borrowed within the financial year shall before the final passing thereof receive the assent of two-thirds of the burgesses voting thereon in the manner provided hereinafter.

Annual rates

180. By-laws for contracting debts shall provide for the issuing of debentures and the levying of annual rates for the payments of such debts.

181. The by-law creating a debt shall state by recital or otherwise—

- (a) The amount of the debt intended to be created and in some brief and general terms the object for which it is to be created;
- (b) The period over which the indebtedness is to be spread and the amount of the instalment to be paid in each of such years or the period at the end of which the same is to be paid;
- (c) The rate of interest and whether the same is to be paid annually or semi-annually;
- (d) The amount of rateable property in the town according to the last revised assessment roll;
- (e) The amount of the existing debenture debt of the town and how much if any of the principal or interest thereof is in arrears.

182. The by-law shall name a day when it is to take effect ^{Time of taking effect} which day shall not be more than three months after the day on which the voting is to take place; and if no day is named in the by-law it shall take effect on the day of the final passing thereof.

183. The by-law may provide that the indebtedness shall be payable in any manner approved by the Minister; provided, however, that if the indebtedness is to be made payable in such a manner that the principal shall be repayable at the end of the period of years during which the debentures are to run, together with interest on such debentures to be paid annually or semi-annually as the council may by by-law provide there shall be raised annually by way of sinking fund a sum sufficient with interest thereon compounded yearly at four per cent. per annum to retire the debentures at maturity and any such sum shall be added each year to the amount of the other rates and taxes of the town and collected along therewith. 1915, c. 15, s. 8. ^{Optional mode of payment}

184. The debentures to be issued under such by-law shall be in the form following or to the like effect: ^{Form of debentures}

FORM 1.

Town of.....
\$..... Debenture No....

Under the authority of *The Town Act* and of By-law No..... of the town of....., passed on the.....day of....., 19...., the said town promises to pay the bearer at.....the sum of.....dollars with interest at the rate of.....per cent. per annum in.....consecutive annual instalments according to the terms of the several coupons hereto attached.

{ Corporate seal }
{ of the town. }

.....
Mayor.

.....
Secretary-Treasurer.

Coupons
 Coupon No.
 Debenture No.
 The town of will pay to the bearer at
 on the day of
 19 , the sum of dollars.

.....
Mayor.

.....
Secretary-Treasurer.

FORM 2.

Town of
 \$. Debenture No.

Under the authority of *The Town Act* and of By-law No.
 of the town of, passed on the
 day of, 19 , the said town hereby promises
 to pay to the bearer at the sum of
 dollars on the day of, 19 ,
(if interest is payable in the meantime add) and to pay the bearer
 the amount of each of the several interest coupons hereto
 attached as the same shall respectively become due.

{ Corporate seal }
 { of the town. }

.....
Mayor.

.....
Secretary-Treasurer.

And the coupons may be in the following form:

Coupons
 Coupons No.
 Debenture No.
 The town of will pay to the bearer at
 on the day of
 19 , the sum of dollars.

.....
Mayor.

.....
Secretary-Treasurer.

(2) Provided that any debenture under this Act may be in such other form as is approved by the Minister or may be made payable in such manner that for the first five years succeeding its date interest only shall be payable thereon or may provide for the payment of principal and interest secured thereby in any other manner approved by the Minister.

(3) A debenture for the full amount or for a less amount than that mentioned in the by-law or a series of debentures aggregating such full amount or less amount than is so mentioned may be issued, but whenever a series of debentures is so issued of the same denomination at the same time each of the series shall be distinguished by a mark or symbol different from the mark or symbol appearing on the other debentures of the same issue, and the said

marks or symbols respectively shall appear on the coupons attached to the debentures respectively bearing the like mark or symbol.

185. In case of debentures issued for local improvements the words "local improvement debenture" shall also be printed on the face of the debentures issued in respect of that part of the cost which is to be raised by special assessment.

186. Every debenture issued as aforesaid shall be sealed with the seal of the town and signed either by the mayor or by some person authorized by by-law to sign the same in his stead and by the secretary-treasurer or by some person authorized by by-law to sign in his stead; and every coupon issued as aforesaid shall be signed either by the mayor or by some person authorized by by-law to sign the same in his stead and by the secretary-treasurer or by some person authorized by by-law to sign in his stead.

(2) The signatures on such coupons may be engraved or lithographed.

(3) The council of any town pending the sale of any debentures issued under a by-law, or in lieu of selling and disposing of the same may by resolution or by-law authorize the mayor and secretary-treasurer of the town to raise money by way of loan on such debentures and to hypothecate the same for any such loan:

Provided that the proceeds of every such loan shall be applied to the purposes for which such debentures were issued and should such debentures be subsequently sold and disposed of the proceeds thereof shall first be applied in repayment of such loan, but the lender shall not be bound to see to the application of the proceeds of any such loan.

187. Debentures authorized by any such by-law may be issued either all at one time or in instalments at such times as the council deems expedient; but no debenture shall be issued after the expiration of four years after the final passing of the by-law; and any debenture may provided it be actually issued within the said period of four years bear any date within the said period.

188. Any debenture issued under this Act shall be valid and binding upon the town notwithstanding any insufficiency in form or substance or otherwise of the by-law or of the authority of the town in respect thereof; provided that the by-law has received the assent of two-thirds of the burgesses voting thereon and that no successful application has been made to quash it.

189. Every by-law which has received the assent of the required number of the burgesses who have voted thereon shall be passed by the council within four weeks of the voting thereon but not thereafter.

SUBMISSION OF DEBENTURE BY-LAWS TO MINISTER OF MUNICIPAL AFFAIRS.

190. The council of any town which has heretofore and in pursuance of any law authorizing such town so to do passed and the council of any town which shall hereafter in pursuance

of the authority of this Act pass a by-law for contracting a debt or incurring a liability or for borrowing money may apply to the Minister for a certificate approving the by-law.

Certificate not to be granted while proceedings pending

(2) No certificate shall be granted while any action or proceeding in which the validity of the by-law is called in question or by which it is sought to quash it is pending nor until two months after the final passing of the by-law unless notice of the application shall be given in such manner and to such persons, if any, as the Minister may direct.

(3) The certificate may be in either of the following forms:

In pursuance of *The Town Act* the Minister of Municipal Affairs hereby certifies that the within by-law is valid and binding and that its validity is not open to be questioned in any court on any ground whatever.

Dated this.....day of.....19....

(SEAL)

Minister of Municipal Affairs.

In pursuance of *The Town Act* the Deputy Minister of Municipal Affairs hereby certifies that the within by-law is valid and binding and that its validity is not open to question in any court on any ground whatever.

Dated this.....day of.....19....

(SEAL)

Deputy Minister of Municipal Affairs.

1913 (2nd Session), c. 22, s. 9.

(4) Any town which intends to apply for certificate approving a by-law shall forward a copy of such by-law to the Minister before it has been submitted to a vote. 1913 (1st Session), c. 8, s. 11.

Minister may grant certificate upon proof of substantial compliance with law

191. The Minister may grant the certificate notwithstanding any defect or irregularity in substance or in form in the proceedings prior to the final passing of the by-law or in the by-law itself if in the opinion of the said Minister the provisions of the Act under the authority of which the by-law was assumed to be passed have been substantially complied with.

By-law and debentures not to be open to question after approval

192. Every by-law approved by the certificate of the Minister and the debentures issued or which may thereafter be issued in conformity with its provisions shall be valid and binding upon the town and upon the property liable to the rate imposed by or under the authority of the by-law and the validity of the by-law and of every such debenture shall not thereafter be open to question in any court.

192a. Where in the case of any by-law heretofore or hereafter passed by a council, the interest for one year or more on the debentures issued under such by-law or the principal of the matured debentures (if any) is or shall have been paid by the municipality, the by-law and the debentures issued thereunder remaining unpaid, shall be valid and binding upon the municipality and shall not be open to question in any court. 1914, c. 7, s. 3.

Countersigning of debentures

193. Where a by-law has been approved under the provisions hereof the Minister may upon application of the town council countersign any debenture or debentures issued or which may

Hereafter be issued under the authority of the by-law and such countersigning by the Minister shall, notwithstanding anything to the contrary in this Act, be conclusive evidence of the validity of such debenture or debentures and the legality of the issue of such debenture or debentures shall be thereby conclusively established and its or their validity shall not be open to question in any court; and every such debenture so countersigned shall be valid and binding upon the town and upon the property held for the rate imposed by or under authority of the by-law and the signature of the Minister may be written or stamped on the debentures. The Deputy Minister of Municipal Affairs shall have the power, equally with the Minister, to grant any of the certificates or countersign any of the debentures referred to in the foregoing sections. 1913 (2nd Session), c. 22, s. 10.

ASSENT OF BURGESSES TO BY-LAWS.

194. Where a by-law requires the assent of burgesses before the final passing thereof any bank or other corporation assessed on the last revised assessment roll as the freeholder of real property which if held by an individual would entitle him to vote shall be entitled to one vote only which may be given by the chief resident officer of such corporation. Corporation
voting

195. In case a by-law requires the assent of two-thirds of the burgesses before the final passing thereof the following proceedings shall except in cases herein otherwise provided for be taken for obtaining such assent: Publication
of by-law
and notice

1. The council shall by by-law appoint a returning officer for the purpose of taking the votes of the burgesses upon the referred by-law and such returning officer shall have and be subject to the like powers, authorities, duties and liabilities as returning officers in the case of an election under this Act.

2. The council shall by the by-law fix the day and hour for taking the votes of the burgesses and the place in the town where a poll shall be opened and the day so fixed for taking the votes shall not be less than three nor more than five weeks after the first publication of the proposed by-law; the council may also if it deem proper by the by-law divide the town into polling divisions, fix the boundaries thereof and the place within which where such votes shall be taken, appoint the returning officer to have charge of one of such polling places and a deputy returning officer to have charge of each of the remaining polling places.

3. The council shall before the final passing of the proposed by-law publish a copy thereof in some newspaper published in the town or in case there is no newspaper published in the town in a newspaper circulated therein; and the publication for the purpose aforesaid shall be made in at least one number of such paper each week for three successive weeks; the returning officer shall also post up a printed copy of the proposed by-law at five or more conspicuous places in the town one of which shall be the post office.

4. To each copy so published and posted shall be appended a notice over the printed or written signature of the returning officer stating that the above is a true copy of a proposed by-law which has been introduced and which will be finally passed by the council in the event of the assent of the burgesses being

obtained thereto within four weeks of the voting thereon and that upon the day and at the place or places fixed for taking the vote of the burgesses the voting thereon will be held between the hours of ten o'clock in the forenoon and seven o'clock in the afternoon.

Printing
ballots

196. Forthwith after the day has been fixed as aforesaid for taking the votes of the burgesses upon a by-law the returning officer shall cause to be printed at the expense of the town such a number of ballot papers as will be sufficient for the purposes of voting.

Form of
ballot

197. The ballot paper shall be in the following form:

19..... Voting on by-law (here insert object of the by-law), sub- mitted to the burgesses of the town of this (date).	FOR THE BY-LAW
	AGAINST THE BY-LAW

By-law to
fix times and
places

198. The council shall by the by-law fix a time when and a place where the returning officer shall sum up the number of votes given for and against the by-law.

Appointment
of representa-
tives

199. At the time and place named the mayor if requested shall appoint by writing signed by him two persons to attend at such polling place and at the final summing up of the votes on behalf of the persons interested in and desirous of promoting or opposing the passing of the by-law respectively.

Oath of
appointee

200. Before any person is so appointed he shall make and subscribe before the mayor or the returning officer a declaration in the following form:

I, the undersigned *A.B.*, do solemnly declare that I am a burgess of the town of and that I am interested in promoting (or opposing, as the case may be) the passing of the by-law (here insert object of the by-law) to be submitted to the burgesses of the said town on the day of 19....

(Signature) *A.B.*

Declared before me this day of, 19....

C.D.,

Mayor.

or *E.F.,*

Returning Officer.

Production of
appointment

201. Every person so appointed before being admitted to the polling place or to the summing up of the votes, as the case may be, shall produce his written appointment to the returning officer or deputy returning officer presiding at the poll.

202. In the absence of any person authorized as aforesaid ^{Substitute} to attend at a polling place or at the final summing up of the votes any burgess in the same interest as the person so absent may attend upon making and subscribing before the returning officer or deputy returning officer a similar declaration to that in section 200 set out.

203. During the time appointed for polling no person shall ^{Who allowed in polling place} be entitled or permitted to be present in any polling place other than the officers, clerks and persons or burgesses authorized to attend as aforesaid at the polling place.

204. If the town has been divided into polling divisions the ^{Voters' lists} secretary-treasurer shall deliver to the returning officer and each deputy returning officer a voters' list containing the names arranged alphabetically of the burgesses owning land within the limits of the polling division for which he has been appointed, and a brief description of such land; and he shall attest such list by writing under his own hand.

(2) If the town has not been divided into polling divisions the secretary-treasurer before the poll is opened shall deliver to the returning officer a voters' list containing the names arranged alphabetically of all the burgesses entitled to vote on the by-law, and a brief description of the property in respect of which each is entitled to vote, and he shall attest the said list by writing under his hand.

(3) Such list shall be prepared by the secretary-treasurer from the last revised assessment roll of the town but the council may up to the eighth day before the day fixed for the voting on the by-law strike out from the said list the name of any person who has ceased to have the necessary qualification or include therein the name of any person who has since the final revision of the said roll acquired such qualification.

205. The voters' list shall be in the following form:

Names of the Burgesses.	Column for mark indicating that voter has voted.	Description of property in respect of which the burgess is entitled to vote.	Objections.	Sworn or affirmed.	Refusal to affirm or swear.	REMARKS.

206. At the day and hour fixed as aforesaid the poll shall ^{Polling} be held and the votes shall be taken by ballot.

207. The poll shall be kept open from ten o'clock in the fore- ^{Poll opens} noon until seven o'clock in the afternoon of the same day.

Officers'
oaths

208. Every returning officer or deputy returning officer, poll clerk, constable or agent authorized to be present at any polling place at the voting on a by-law shall before exercising any of the rights or functions of his office take and subscribe before a justice of the peace or (in the case of a poll clerk, constable or agent) before the returning officer or deputy returning officer presiding at the poll an affidavit in the following form:

I, A.B., do solemnly promise and declare that at the voting on the by-law submitted to the burgesses of the town of..... (the voting on which has been appointed for this day), I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any burgess shall vote or has voted and that I will not in any way whatsoever aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the manner in which any burgess has voted on the by-law.

A.B.

Declared before me this.....day of....., 19....

C.D.,

Justice of the Peace (Returning Officer or Deputy Returning Officer).

Directions
to voters

209. The printed directions to be delivered to the returning officer shall be in the following form:

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter shall go into one of the compartments and with the pencil provided in the compartment will place a cross (thus X) on the right hand side in the upper space if he votes for the passing of the by-law and in the lower space if he votes against the passing of the by-law.

The voter shall then fold up his ballot paper or ballot papers so as to show the name or initials of the returning officer signed on the back and immediately after leaving the compartment shall without showing the front of the paper to any person deliver such ballot or ballots so folded to the returning officer and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper he may return it to the returning officer who will if satisfied of such inadvertence give him another ballot paper.

If the voter places on any ballot paper more than one mark or any mark by which he may afterwards be identified or if any ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified it will be void and not counted.

If a voter takes a ballot paper out of the polling place or deposits in the ballot box any ballot paper or papers except those given to him by the returning officer he will be subject to imprisonment for any term not exceeding six months with or without hard labour or to a fine of \$200 or to both.

In the following form of ballot paper (given for illustration) the voter has marked his paper in favour of the passing of the by-law:

19..... Voting on by-law to <i>(here insert object of the by-law)</i> , submitted to the burgesses of the town of this <i>(date)</i> .	FOR THE BY-LAW	X
	AGAINST THE BY-LAW	

210. Every burgess shall be entitled to vote only once on ^{Vote} any referred by-law; if there be more than one polling place such burgess shall vote at the polling place for any polling division upon the voters' list for which his name appears.

211. Every person tendering a vote on the by-law may be ^{Oath of voter} required by the returning officer or deputy returning officer or by any burgess entitled to vote on the by-law to make before his vote is recorded the following oath or affirmation or any part thereof or to the effect thereof:

You swear that you are of the full age of 21 years;

That you are a freeholder in your own right;

That you have not voted before on the by-law;

That you are according to law entitled to vote on this by-law;

That you have not directly or indirectly received any reward or gift nor do you expect to receive any for the vote which you now tender;

That you are the person named *(or intended to be named)* in the voters' list *(showing the voters' list to the voter)*;

That you have not received anything nor has anything been promised to you directly or indirectly either to induce you to vote on this by-law or for loss of time, travelling expenses, hire of team or any other service connected therewith;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting.

(2) No inquiry shall be made of any voter except with respect to the facts specified in the above oath or affirmation.

212. The chief resident officer of any corporation tendering a vote on the by-law may be required by the returning officer ^{Oath on behalf of corporation} or deputy returning officer or by any burgess to make before his vote is recorded the following oath or affirmation or any part thereof:

That you are the chief resident officer of the *(naming the corporation)*;

That the said corporation is a freeholder in this town;

That you have not cast any vote on the by-law on behalf of the corporation;

That you are according to law entitled to vote on the by-law as chief resident officer of the said corporation;

That the said corporation is the corporation named (or intended to be named) in the voters' list (*showing the voters' list to the voter*);

That neither you nor to the best of your knowledge and belief the said corporation has directly or indirectly received any reward or gift for the vote which you now tender nor do you or to the best of your knowledge and belief the said corporation expect to receive any;

That neither you nor to the best of your knowledge and belief the said corporation has received anything or been promised anything directly or indirectly either to induce you to vote on this by-law or for loss of time, travelling expenses, hire of team or any other service connected therewith;

And that neither you nor to the best of your knowledge and belief the said corporation has directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting.

(2) No inquiry shall be made of any voter except with respect to the facts specified in the above oath or affirmation.

Returning
officers'
statement

213. The written statement to be made by the returning officer or deputy returning officer at the close of the polling shall be made under the following heads:

1. Name of town and date of voting;
2. Number of votes for and against the by-law;
3. Rejected ballot papers.

Objections

214. The returning officer or deputy returning officer shall take a note of any objection made by any person authorized to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection; each objection to a ballot paper shall be numbered and a corresponding number shall be placed on the back of the ballot paper and initialled by the returning officer or deputy returning officer (*as the case may be*).

Count

215. Every returning officer or deputy returning officer at the completion of the counting of the votes shall in the presence of the persons authorized to attend make up into separate packets sealed with his own seal and the seals of such persons authorized to attend as desire to affix their seals and marked upon the outside with a short statement of the contents of such packet and the date of the voting and the name of the returning officer or deputy returning officer (*as the case may be*):

1. The statement of votes given for and against the by-law and of the rejected ballot papers;
2. The used ballot papers which have not been objected to and have been counted;
3. The ballot papers which have been objected to but which have been counted by the returning officer or deputy returning officer (*as the case may be*);
4. The rejected ballot papers;
5. The declined and cancelled ballot papers;
6. The unused ballot papers;
7. The voters' list, the poll book and a statement of the number of burgesses whose votes are marked by the returning officer under section 124 hereof with their declaration of inability and

note taken of objections made to ballot papers found in the ballot box and shall make and subscribe before a justice of the peace or before the poll clerk a declaration in the following form:

I, *C.D.*, returning officer or deputy returning officer for the town of....., do hereby solemnly declare (or if he is a person permitted by law to affirm, do solemnly affirm) that to the best of my knowledge the annexed copies of the voters' list and poll book used at this voting held on the day of....., 19.. were used in the manner prescribed by law and that the entries required by law to be made were correctly made.

C.D.,

Returning Officer (or Deputy Returning Officer,
as the case may be).

Declared (or affirmed) before me at.....
this..... day of....., 19..

A.B.,

Justice of the Peace (or Poll Clerk, as the case may be).

(2) Such voters' list, poll book, packets, ballot boxes and declaration shall be dealt with in the same manner as prescribed by section 136 hereof, and the same may be inspected at any time by any burgess in the presence of the secretary-treasurer. Voters' list etc., to be returned to secretary-treasurer

216. Every returning officer or deputy returning officer shall at the close of the poll certify under his signature in the poll book in full words the total number of burgesses who have voted at the polling place at which he has been appointed to preside. Returns

217. Every returning officer or deputy returning officer upon being requested so to do shall deliver to the persons authorized to attend at his polling place a certificate of the number of votes given at the polling place for and against the by-law and of the number of rejected ballot papers. Certificate of result

218. The returning officer shall at the time and place appointed by the by-law in the presence of the persons authorized to attend or of such of them as may be present sum up the number of votes for and against the by-law and shall then and there declare the result and shall forthwith certify to the council under his hand whether or not two-thirds of the burgesses voting upon the by-law have approved of the same. Declaration of result

219. Every officer, clerk and person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place. Offences

(2) No officer, clerk or other person shall interfere with or attempt to interfere with a burgess when polling his vote or otherwise attempt to obtain at the polling place information as to the manner in which any burgess at any polling place is about to vote or has voted on a by-law.

(3) No officer, clerk or other person shall communicate at any time to any person any information obtained at a polling place as to the manner in which any burgess is about to vote or has voted on a by-law.

(4) Every officer, clerk and person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy

of the voting and shall not communicate or attempt to communicate any information obtained at such counting as to the manner in which any burgess has voted on the by-law.

(5) No person shall directly or indirectly induce any burgess to display his ballot paper after he has marked the same so as to make known to any person the manner in which he has marked his ballot paper.

(6) Every person who acts in contravention of this section shall be liable on summary conviction to imprisonment for any term not exceeding three months with or without hard labour or to a fine of \$200 or to both.

Scrutiny

220. If within two weeks after the returning officer has declared the result of the voting on a by-law any person who was entitled to vote thereon applies upon petition to a judge after giving such notice of the application and to such persons as the judge directs and shows by affidavit to the judge reasonable grounds for entering into a scrutiny of the ballot papers; and if the petitioner enters into recognizance before the judge in the sum of \$100 with two sureties to be allowed as sufficient by the judge upon affidavit of justification in the sum of \$50 each conditioned to prosecute the petition with effect and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner the judge may if he thinks fit appoint a day and place for entering into the scrutiny.

Notife

221. At least seven clear days' notice of the day appointed for the scrutiny shall be given by the petitioner to such persons as the judge directs and to the returning officer.

Hearing
by Judge

222. At the time appointed the returning officer shall attend before the judge with the ballot papers and the judge upon inspecting the ballot papers and hearing such evidence as he may deem necessary and hearing the parties or such of them as may attend or their counsel shall in a summary manner determine the number of votes given for and against the by-law and shall forthwith certify the result to the council.

Powers of
judge general

223. The judge upon such security shall possess the like power and authority as to all matters arising upon the scrutiny as he possess upon the trial of the validity of the election of a member of the council; and costs shall be in the discretion of the judge as in the case of applications to quash a by-law and he may apportion the costs as to him seems just.

224. All the provisions of sections 108 to 161 inclusive hereof so far as not inconsistent with the provisions of the preceding thirty sections hereof shall *mutatis mutandis* apply to proceedings under sections 194 to 223 inclusive hereof.

QUASHING BY-LAWS, ETC.

Motion to
quash

225. Any elector of the town may apply to a judge upon motion to quash any resolution, order or by-law of the council in whole or in part for illegality; and the judge upon such motion may quash the by-law, order or resolution in whole or in part

and may according to the result of the application award costs for or against the town and may determine the scale of such costs.

(2) Notice of the motion shall be served at least seven clear days before the day on which the motion is to be made.

(3) The by-law, order or resolution may be proved by the production of a copy thereof certified under the hand of the secretary-treasurer and the town seal; and the secretary-treasurer shall deliver such copy upon payment of a fee therefor at the rate of ten cents for every one hundred words.

(4) Before any such motion is made the applicant or in case the applicant is a company some person on its behalf shall enter into a recognizance before the judge himself in the sum of \$100 and two sureties each in the sum of \$50 conditioned to prosecute the motion with effect and to pay any costs which may be awarded against the applicant.

(5) The judge may allow the said recognizance upon the sureties entering into proper affidavits of justification and thereupon the same shall be filed in the court with the other papers relating to the motion.

(6) In lieu of the recognizance mentioned in subsections (4) and (5) of this section the applicant may pay into the court the sum of \$100 as security for any costs which may be awarded against him; and the certificate of such payment into court having been made shall be filed in the court with the other papers relating to the motion.

(7) Upon the determination of the proceedings the judge may order the money so paid into court to be applied in the payment of costs or to be paid out to the applicant in the discretion of the judge according to the result of the application.

(8) All moneys required to be paid into or out of court under this section shall be paid in and paid out in like manner as moneys are paid into and out of court in actions pending in the said court.

(9) No application to quash a by-law, order or resolution in whole or in part shall be entertained unless the application is made within two months from the passing of the by-law, order or resolution, except in the case of a by-law requiring the assent of the electors, where the by-law has not been submitted to or has not received the assent of the electors, in which case an application to quash a by-law may be made at any time.

226. Any by-law which has been procured to be passed through By-laws procured by bribery or corruption or by means of any violation of the provisions of sections 4 and 5 of *The Controverted Municipal Elections Act* may be quashed upon an application made in conformity with the provisions therein contained.

EXPROPRIATION.

227. If the council desires to acquire land for any purpose authorized by this Act and if it cannot acquire the land at a Council may acquire land fair price by agreement with the owners or occupiers thereof or other persons interested therein it may acquire the same by expropriation in the name and on behalf of the town.

Compensation

228. The said council shall make to the owners or occupiers or other persons interested in any land taken by the town in the exercise of any of the powers conferred by this Act due compensation therefor and pay damages for any land or interest therein injuriously affected by the exercise of such powers the amount of such damages being such as necessarily result from the exercise of such powers beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation or damages if not mutually agreed upon shall be determined by arbitration under this Act.

Deposit of
plan of land
taken

229. Before taking any land the council or commissioners shall deposit with the secretary-treasurer plans and specifications showing the land to be taken or used and the work to be done thereon and the names of the owners or occupiers thereof according to the last revised assessment roll.

(2) The secretary-treasurer shall thereupon notify such owners and occupiers of the deposit of the said plans and specifications and of the date of such deposit and that all claims for compensation for the land so to be taken and the amount and particulars thereof must be filed with him within fifteen days from the date of the deposit of the said plans and specifications which date shall be that with reference to which the amount of the compensation for such lands shall be ascertained.

(3) If any claimant under this section has not filed his claim within the period hereinbefore limited it may be barred and extinguished on an application to a judge upon such terms as to notice, costs and otherwise as the judge may direct.

Claims for
damages

230. In case any land not taken for any work or undertaking constructed, made or done by the council or commissioners under the authority of this Act is injuriously affected by such work or undertaking the owner or occupier or other persons interested therein shall file with the secretary-treasurer within fifteen days after notice has been given in a local newspaper of the completion of the work his claim for damages in respect thereof stating the amount and particulars of such claim.

(2) Such notice shall be given by the secretary-treasurer forthwith after the person in charge of the work or undertaking has given his final certificate and shall state the last day on which any claim under this section may be filed.

(3) The date of publication of such notice shall be the date in respect of which the damages shall be ascertained.

(4) Any claim under this section not made within the period hereinbefore limited shall be forever barred and extinguished.

Compensation
appurtenant
to land

231. Any claim for compensation for lands taken or damages in respect of lands injuriously affected shall be deemed appurtenant to the land and shall pass by any transfer or conveyance thereof.

Trustees, etc.

232. In the case of land which the town has authority under this Act to take without the owner's consent corporations, tenants for life, guardians, committees and trustees shall on behalf of themselves, their successors and heirs respectively and on behalf of those whom they represent (whether infants, issue unborn,

lunatics, idiots or others) have power to act as well in reference to any arbitration, notice and action under this Act as in contracting for and conveying to the town any such land or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof.

(2) If there is no such person who can so act in respect of such land or of any person interested in respect of any such land is absent from Alberta or is unknown or in case his residence is unknown or he himself cannot be found a judge may appoint a person to act in respect of the same for all or any of the said purposes.

(3) In case any person acting as aforesaid had not the absolute estate in the property the town shall pay the amount to be paid in respect of such property as a judge shall direct into court and the town shall not be bound to see to the application of any sum so paid.

233. The compensation or damages which may be agreed upon or awarded for any land taken or injuriously affected as aforesaid shall stand in the stead of such lands and shall be subject to the limitations and charges, if any, to which the said lands were subject and any claim to or encumbrance upon the said lands or to or upon any portion thereof shall as against the said town be converted into a claim to the money so agreed upon or awarded or to a like proportion thereof.

Compensation and damages to stand in lieu of land

234. If any person to whom the compensation or damages or any part thereof is payable refuses to execute the proper transfer, discharge or other instrument or cannot be found or is unknown the town may pay such compensation or damages into court and thereupon the judge on the application of the town may grant an order vesting in the town the absolute title to the lands in respect whereof such compensation or damages have been paid into court.

Vesting order

(2) A notice in such form and for such time as a judge may direct shall be inserted in a newspaper of the town or in case there is no newspaper published in the town in a newspaper circulating therein calling upon persons entitled to compensation or damages in respect of any lands or part thereof so taken or injuriously affected to file their claims to the said compensation or damages or any part thereof; and all such claims shall be received and adjudicated upon by the said judge.

(3) Any judgment in such proceedings shall forever bar all claims to or in respect of the lands or any part thereof and all interest therein and to the compensation or damages therefor and the judge shall make such order for distribution, payment or investment of the money and for securing the rights of all persons interested therein as may be necessary.

235. The council in all cases where claims for compensation or damages are made against the town which under the provisions of this or any other Act are declared to be the subject of arbitration in the event of the parties not being able to agree may tender to any person making such claim such amount as they consider proper compensation for the damages sustained or the land taken; and in the event of the nonacceptance by the claimant

Tender

of the amount so tendered and the arbitration being proceeded with if an award is obtained for an amount not greater than the amount so tendered the costs of the arbitration and award shall unless otherwise directed by the arbitrator be awarded to the town and set off against any amount awarded against them.

Arbitration

236. Where a claim is made for compensation or damages by the owner or occupier of or other person interested in lands taken by the council or which is alleged to have been injuriously affected in the exercise of any of the powers of the council in the event of the council not being able to agree with the claimant as to the amount of compensation or damages the same may be settled and determined by the award of a judge or of a barrister to be appointed by him.

Arbitrator's fees

237. The fees to be paid to a judge or to the barrister appointed by him in any arbitration shall be as follows:

For every meeting where the arbitration is not proceeded with but an enlargement or postponement is made at the request of either party \$3;

For every day's sitting to consist of not less than six hours \$20;

For every sitting not extending to six hours (fractions or parts of hours being excluded) actually proceeded with for each hour occupied \$3.

Effect of reference

238. The reference of any such claim to a judge shall not be deemed to be an admission of any liability on the part of the town; and all defences and objections shall be open to either party as if an action had been brought.

Costs

239. The judge or other arbitrator may award the payment by any of the parties to the other of the costs of the arbitration or of any portion thereof and may direct the scale on which such costs shall be taxed in which case the costs shall be taxed by the officers of the court without any further order; and the amount so determined shall be payable within one week after taxation.

Notes of evidence and view

240. In case of an award under this Act the judge or other arbitrator shall take and immediately after making of the award shall file with the secretary-treasurer for the inspection of all parties interested full notes of the oral evidence given on the reference and also all documentary evidence so given or a copy thereof; and in case he proceeds partly on a view or any knowledge or skill possessed by him he shall also put in writing a statement thereof.

Effect of award

241. The award shall not be binding on the town unless it is adopted by the town by by-law within one month after the making of the award; and if not so adopted the property shall stand as if no arbitration had been held and the town shall pay the costs of the arbitration.

PART V.

MUNICIPAL FINANCE.

FINANCE.

242. The secretary-treasurer shall keep in his books two separate accounts of every debt, one for the special rate and one for the sinking fund or for instalment of principal both to be distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted; and he shall keep the said accounts with any others that are necessary so as to exhibit at all times the state of every debt and the amount of moneys raised, obtained and appropriated for payment thereof.

Accounts of debts, special rates, sinking funds, etc.

243. If after paying the interest of a debt for any financial year and appropriating the necessary sum to the sinking fund of such debt for the purpose of payment of any instalment of principal there is a surplus at the credit of the special rate account of such debt such surplus shall so remain and may be applied if necessary towards the next year's interest; but if such surplus exceeds the amount of next year's interest the excess shall be carried to the credit of the sinking fund account or shall be applied in payment of the principal of such debt.

Disposal of surplus

244. No moneys levied and collected for the purpose of a sinking fund shall in any case be applied towards paying any portion of the current or other expenditures of the town.

245. Subject to the approval of the Minister the council may by by-law direct that such part of the produce of the special rate levied and at the credit of the sinking fund account or of the special rate of any debenture debt instead of being invested as hereinafter provided shall from time to time as the same occurs be applied toward payment or redemption at such value as the council may agree for of any part of such debt or any of the debentures representing or constituting such debt or any part of it though not then payable to be selected as provided in such by-law; and the council shall thereupon apply and continue to apply such part of the proceeds of the special rate at the credit of the sinking fund or special rate account as aforesaid in the manner prescribed by such by-law.

Redemption of debentures not yet payable

246. In the event of the council diverting any of the said moneys for current or other expenditure the members of the council who vote for the diverting of said moneys shall be personally liable for the amount so diverted and the said amount may be recovered by the town by action against them in the Supreme Court.

Liability in case of diversion of moneys

(2) The members of the council who voted for the same shall be disqualified from holding any municipal office for the period of two years and in case the council upon the request of any elector refuse or neglect for one month thereafter to bring an action therefor in the name of the town the action may be brought by an elector on behalf of the town.

Neglect to
levy sinking
fund

247. In the event of the council neglecting in any year to levy the amount required to be raised to provide a sinking fund or for the instalment necessary for the payment of any debenture debt of the town every member of the council shall be disqualified from holding any town office for the next two years; but no member of the council shall be liable to the penalty hereby imposed who shows to the satisfaction of any judge or tribunal before whom or before which the question of such member's qualification arises that he made reasonable efforts to procure the levying of the said amounts.

Investment of
sinking fund

248. If any part of the produce of the special rate levied in respect of any debt and at the credit of the sinking fund account or of the special rate account thereof or of any reserve fund cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable the council shall from time to time invest the same in government securities, municipal or school debentures or in local improvement debentures of the town or in any other debentures of the town or in first mortgage of freehold real estate within the town to an amount not exceeding one-third of the sworn cash valuation of an independent appraiser and from time to time as such securities mature may invest in other like securities.

(2) The council may regulate by by-law the manner in which such investment shall be made in the aforesaid securities.

(3) It shall not be necessary that any of the debentures referred to in this section shall have been disposed of by the council; but the council may apply the sinking fund to an amount equal to the amount of such debentures for the purposes to which the proceeds of such debentures are properly applicable; and they shall hold the debentures as an investment on account of the sinking fund and deal with the same accordingly.

(4) The council may direct by by-law that any surplus moneys in the hands of the treasurer and not specially appropriated to any other purpose shall be credited to the sinking fund account of any debenture debt and may invest such sinking fund in any of the securities named in and according to the provisions of this section.

Surplus
income from
town works

249. The council may appropriate to the payment of any debt the surplus income derived from any town work or from any share or interest therein after paying the annual expenses thereof or may so appropriate any unappropriated money in the treasury or any money raised by general rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt or may be applied in payment of any instalment thereof accruing due or the council may from time to time appropriate to a fund to be known as a reserve fund part of any surplus income arising from any town work for the purpose of meeting contingencies which in the opinion of the council may be thought likely to arise in connection therewith.

Prohibition as
to investment

250. No member of the council shall take part in or be a party to the investment of any moneys referred to in section 248 hereof otherwise than is therein authorized and any person so doing shall be held personally liable for any loss thereby sustained by the town.

251. In order to obviate a difficulty which has been found to prevail in negotiating local improvement debentures in consequence of many of the same having to be issued for small and broken amounts the council may from time to time after the passing of by-laws covering the several amounts required for particular local improvements and without in any way affecting the liens on the property therein described pass a collective or accumulative by-law consolidating the several amounts of the said debentures and may issue the new consolidated debentures in a general consecutive issue under such consolidated by-law apportioning nevertheless the amount raised thereby and crediting each service with the amount previously fixed for the same under the individual by-law passed in the first instance. Consolidation
of by-laws

252. After a referred by-law has been finally passed by the council the council may by by-law authorize the mayor and treasurer to raise from time to time by way of a temporary loan in anticipation of the issue or sale of the debentures authorized by the referred by-law and for the purposes thereby authorized such sum or sums not exceeding in the aggregate eighty per cent. of the total principal sum authorized by the referred by-law to be raised as the council deems expedient and all such temporary loans shall be a special charge upon the debentures in anticipation of the issue or sale whereof such temporary loans were made. Temporary
loans

253. The secretary-treasurer shall open and keep a book to be known as "The Debenture Register"; in the said book there shall be entered particulars of every by-law authorizing the issue of debentures and of all debentures issued thereunder and every debenture issued shall have written, printed or stamped thereon a memorandum signed by the treasurer with the proper particulars inserted therein in the following form: Debenture
register

Registered in the debenture register as No. under
By-law No. this day of,
19....

254. In case any debenture is registered in the debenture register the same shall be valid and binding in the hands of the town or of any *bona fide* purchaser for value notwithstanding any defect in form or substance therein. Effect of
registration

255. A certificate signed by the mayor and treasurer and sealed with the corporate seal of the town that any debenture has been duly registered in the debenture register shall be *prima facie* evidence of such registration. Certificate of
registration

256. A town may in any case where a debenture issued under the authority of any by-law has not been sold, transferred, mortgaged, pledged, hypothecated, or otherwise disposed of, cancel the same and the entry in the debenture register of the issue thereof, and thereupon issue one or more new debentures in substitution therefor, and may make such new debenture or debentures payable by the same or a different mode of payment, and where any debenture has been sold, transferred, mortgaged, pledged, hypothecated, or otherwise disposed of, a town shall have the Cancellation
of debenture

like right of cancellation and re-issue upon acquiring the same as holder, or upon the request of the holder thereof; provided that neither the period over which the indebtedness was originally spread, or the term at the end of which the same was made payable, as the case may be, nor the rate of interest is increased, and that the amount of the principal of such new debenture or debentures does not exceed the amount of the principal remaining owing upon the original debenture. 1914, c. 7, s. 3.

Registration
of transfer

257. Any debenture issued by the council may contain a provision in the following words:

This debenture or any interest therein shall not after a certificate of ownership has been endorsed thereon by the secretary-treasurer of this town be transferrable except by entry by the secretary-treasurer in the debenture register of the town.

Certificate of
ownership
of debenture

258. In case of the issue of any debentures containing the provision in the last section mentioned the secretary-treasurer shall open and keep a debenture register in which he shall enter a copy of all certificates of ownership of debentures which he may give and also every subsequent transfer of such debenture; no such entry shall be made except upon the written authority of the person last entered in such book as the owner of such debenture or of his executors or administrators or of his or their lawful attorney which authority shall be retained and duly filed by the secretary-treasurer.

(2) After a certificate of ownership has been endorsed as afore-said the debenture shall only be transferable by entry by the secretary-treasurer in such debenture register from time to time as transfers of such debenture are authorized by the then owner thereof or his lawful attorney.

DEPOSIT OF SINKING FUND WITH THE PROVINCIAL TREASURER.

Sinking fund
may be paid
into provincial
treasury

259. Notwithstanding the foregoing provisions of this Act the council where it proposes to pass a by-law for borrowing money by the issue of debentures and to create a sinking fund for the repayment thereof may pass a by-law wherein it may be provided that the annual amount to be levied on account of the sinking fund shall be paid by the secretary-treasurer to the Provincial Treasurer.

(2) Where a municipality avails itself of the right conferred by the next preceding subsection the Provincial Treasurer may receive from the secretary-treasurer of the town the annual amounts so levied on account of the sinking fund and allow and credit the town with interest thereon at the rate of four per cent. per annum, compounded yearly until the time when the debentures to which the sinking fund is applicable become payable and the sinking fund is required for their redemption.

Money
received to
form part of
general
revenue fund

(3) All moneys received by the Provincial Treasurer under the provisions of this section shall form part of the general revenue fund of the province and a statement of the amount at the credit of each town shall be set forth annually in the public accounts of the province.

Sinking fund
may be
invested in the
debentures, etc.

(4) The Lieutenant Governor in Council may from time to time should such course be deemed advisable direct the Provincial

Treasurer to invest the amount at the credit of the town or any part thereof as directed by section 26 of *The Treasury Department Act*, being chapter 5 of the Statutes of Alberta, 1906, or any Act passed in amendment or substitution thereof, or in the debentures of such town to redeem which such sinking funds were paid to the Provincial Treasurer.

260. Any by-law passed under the provisions of this Act may also provide that the debentures and coupons for the interest thereon may be payable in gold or its equivalent of lawful money of Canada or of Great Britain at a bank to be named in any part of Great Britain, the United States of America or Canada. Plan of payment

261. Where a by-law has been passed under the authority of section 259 hereof the amount payable in any year to the credit of the sinking fund which under the provisions of the by-law is to be paid to the Provincial Treasurer shall be deemed a debt due to him and in default of payment thereof he may sue therefor in any court of competent jurisdiction in his own name as for a debt due to the Crown. Amount payable into sinking fund to be a debt due to the Treasurer

262. Every town the council of which shall hereafter pass any by-law under the provisions of section 259 hereof shall within thirty days after the final passing of the by-law transmit a duly certified copy thereof to the Minister. Debenture by-laws to be sent to Minister

263. Where by any by-law heretofore or hereafter passed provision is made for raising a sinking fund to meet the debentures to be issued under the authority of the by-law the town in each year in which the sinking fund is required to be raised shall transmit to the Minister a return showing whether the sinking fund for the year has been raised and how it has been applied or dealt with and the state of the investment of any part of the sinking fund therefor collected which return shall be verified by the affidavit or statutory declaration of the mayor and of the secretary-treasurer of the town. Annual return as to sinking fund to be sent to Minister

264. Any town which does not comply with the provisions of the next preceding section and the mayor and secretary-treasurer thereof shall be guilty of an offence; and for every offence each shall incur a penalty not exceeding \$100 to be recovered with costs by summary conviction. Penalty

PART VI.

ASSESSMENT AND TAXATION.

265. All municipal and school taxes shall be levied equally upon all rateable land in the town and it shall be the duty of the assessor to make an assessment of such land in the town in the manner hereinafter provided. Taxes to be levied equally

266. In every town all lands shall be liable to assessment and taxation for both municipal and school purposes subject to the following exemptions: Exemptions

1. The interest of the Crown in any land, including any land held by any person in trust for the Crown;

2. Land specially exempted by law or held for the public use of the Province of Alberta;

3. If any land mentioned in the two preceding clauses is occupied by any person otherwise than in an official capacity the occupant shall be assessed therefor but the land itself shall not be liable: Provided, however, that in the case of land held under grazing lease or permit from the Government of Canada, no tax shall be payable by any person as occupant in respect of his interest therein under such grazing lease or permit; 1914, c. 7, s. 4.

4. The land upon which there is erected any building used for church purposes and not used for any other purpose for hire or reward, and the lands attached to or *bona fide* used in connection therewith, not exceeding one-half acre;

5. The land not exceeding four acres of and attached to or otherwise *bona fide* used in connection with and for the purposes of every university, every school established under the authority of *The School Ordinance*, every incorporated hospital or the associations known as "The Young Men's Christian Association" and "The Young Women's Christian Association" respectively, so long as said land is actually used and occupied by such institutions but not if otherwise occupied;

6. The land exempted under the two preceding clauses shall nevertheless be liable to be assessed for local improvements and frontage tax. 1913 (2nd Session), c. 22, s. 11.

7. All land belonging to the town and used only for town purposes;

8. The land vested in any library board established under the provisions of *The Public Libraries Act*;

9. The land used by agricultural societies organized under *The Agricultural Societies Ordinance*, or any Act passed in amendment or substitution thereof.

Assessment of land

267. Land shall be assessed at its actual cash value as it would be appraised in payment of a just debt from a solvent debtor exclusive of the value of any buildings thereon or any other increase in value thereof, caused by any other expenditure of labour or capital thereon.

(2) Whenever two or more persons are as business partners, joint tenants, tenants in common or by any other kind of a joint interest the owners or occupants of any land liable to taxation hereunder the names of each such persons shall be entered on the assessment roll in respect of his share or interest of or in such land.

(3) If the value at which any land has been assessed appears to be more or less than the actual cash value, the amount of the assessment shall nevertheless not be varied on appeal if the value at which the said land is assessed, bears a fair and just relation to the value at which other land in the immediate vicinity thereof is assessed; provided, however, that in no case shall an obviously excessive assessment be maintained. 1913 (1st Session), c. 8, s. 12; 1914, c. 7, s. 5.

(4) Provided however that in the case of a consolidated school district *The School Assessment Ordinance* shall apply. 1913 (1st Session), c. 8, s. 12.

268. On or before the first day of August in each year the board of trustees of every town school district shall transmit to the treasurer of each town in which the district is situated in whole or in part, as by section 89 of *The School Assessment Ordinance* provided—

Board of school trustees to furnish estimate of money to the council

(a) A map or plan showing the area and boundaries of the said district;

(b) The estimated expenditure of the district for the year;

(c) A certified copy of a resolution of the board of trustees fixing the amount for which the school district is liable for school purposes. 1915, c. 15, s. 2.

268a. It shall be the duty of the council to pay to the school district on demand the amounts required from time to time for school purposes; provided, however, the total of the amounts demanded does not exceed the total estimate transmitted by the school board under the provisions of section 268 hereof. 1913 (1st Session), c. 8, s. 31.

(2) In every year all taxes collected by the council for school purposes and all moneys paid to the council from a loan made to meet the demands of any school district, shall be kept by the council in a separate account and deposited in a chartered bank to be credited to a trust fund to be styled "The School Taxes Trust Fund," and shall only be paid thereout to the school district having right thereto. 1914, c. 7, s. 6; 1915, c. 15, s. 4.

(3) In the event of the council failing to pay to a school district within thirty days from the making of a demand therefor the amounts required from time to time for school purposes, such amounts shall become due, owing and payable by the town to such school district; provided, however, that such debt may not be recovered by suit at law in the name of any person without permission to enter such suit being granted by the Minister of Education. 1915, c. 15, s. 4.

(4) Any person, bank or corporation lending any sum to a town under section 163 hereof shall not be bound to establish the necessity for borrowing the same nor see to the payment of the same by the town into the said school taxes trust fund nor, as to the payment out thereof. 1915, c. 15, s. 9.

269. As soon as may be, but not later than the 31st day of May in each year the assessor shall assess every person having any interest in assessable land in the town either as the owner or occupant, and shall prepare an assessment roll which shall set out as accurately as may be—

Preparation of assessment roll

(a) The name of the person having an interest in each lot or parcel of land in the town which is not exempt from assessment, whether as owner or occupant, and the post office address, if known, of every such person;

(b) A brief description of each such lot or parcel of land and of the interest of each person therein and of the assessed value of such interest.

270. Unless the Minister otherwise provides the assessment roll shall be in the following form:

ASSESSMENT ROLL FOR YEAR 19 TOWN OF

No. of Assessment.	The names in full (if the same can be ascertained) of every person taxable in the town.	Post Office address.	Own. (owner, occ. (occupant)	Brief Description of taxable property.	Frontage and depth.	The actual cash value of each parcel or lot of real property or of the interest exclusive of buildings and improvements.	Total Amount of Assessment.	Public or separate school supporter.	Date of assessment	Date of delivery or posting of notice.

270a. The council may for a period not exceeding four years from the 31st day of December, A.D. 1914, by a by-law passed at a regular meeting of the council held prior to the first day of May in any year, at which two-thirds of the members of the whole council vote in favour of such by-law, provide for the imposition of a tax to be known as a business tax, upon all persons carrying on any trade, business or profession within the limits of the town, but the provisions of this section shall not extend to any trade, business, or profession licensed under the provisions of this Act. 1913 (1st Session), c. 8, s. 13; 1914, c. 7, s. 7.

(2) The assessment of any such trade, business, or profession shall be made upon the basis of the rental value of the premises used or occupied for the purpose of carrying on such trade, business, or profession. Such by-law shall fix an uniform rate but no tax imposed hereunder shall exceed ten per centum of the rental value of such premises. 1913 (1st Session), c. 8, s. 13; 1914, c. 7, s. 7.

(3) In any town where a business tax is levied under the provisions of this Act the form of the assessment roll herein provided shall be varied accordingly. 1913 (1st Session), c. 8, s. 13; 1914, c. 7, s. 7.

271. If any assessor makes fraudulent assessment or wilfully or fraudulently inserts in the assessment roll the name of any person who should not be entered therein or wilfully or fraudulently omits the name of any person who should be entered therein or wilfully neglects any duty required of him by this Act he shall be liable to a penalty of \$100. Fraudulent assessment

272. The assessor within fifteen days after completing the said roll shall publish in a newspaper published in the town and post up in five conspicuous places in the town a notice in the following form: Notice of assessment by publication

Town of.....
Assessment Roll, 19

Notice is hereby given that the assessment roll of the town of.....for the year 19....has been prepared and is now open to inspection at the office of the secretary-treasurer of the town from 10 o'clock in the forenoon to four o'clock in the afternoon on every day which is not a public holiday except Saturday (and on that day from 10 o'clock in the morning to 12 o'clock noon), and that any ratepayer who desires to object to the assessment of himself or of any other person must within thirty days after the date of this notice lodge his complaint in writing at my office.

Dated this.....day of....., 19....

AB.

Assessor.

273. The assessor shall also within fifteen days after the completion of the assessment roll transmit by mail to every person named therein an assessment slip containing the particulars appearing in the roll with respect to such person. Notice by mail

(2) There shall be appended to every such assessment slip a notice of the last date upon which complaints may be lodged as fixed by the notice under section 272 hereof and there shall be endorsed thereon a written or printed form of complaint as given in section 275 hereof.

(3) No assessment shall be invalidated by an error in the assessment slip transmitted as aforesaid or by reason of the nontransmission or nonreceipt thereof by the person to whom it was addressed.

273a. Immediately upon the completion of the assessment roll, the assessor shall make and attach thereto a statutory declaration in the following form:

I.....of the Town of.....
in the Province of Alberta.....do solemnly
make oath and declare:

1. That I have according to the best of my information and belief set down in the above assessment roll all land liable to assessment situated in the town of.....
and I have justly and truly assessed each of the parcels of land

so set down at its actual value and I have also justly assessed each person assessable as the occupant of land exempt from assessment under the provisions of this Act.

2. That I have estimated and set down to the best of my information and belief in the said assessment roll the amounts assessable against every person named in the said assessment roll for the purpose of the taxing of his trade or business.

3. That according to the best of my knowledge and belief I have entered therein the name of every person entitled to be entered under the provisions of *The Town Act*, and I have not intentionally omitted from the said assessment roll the name of any person whom I know or whom I had good reason to believe was entitled to be entered therein under the said Act.

4. That I have not entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote and the amount for which each such person is assessed in the said roll truly and justly appears in the notice delivered or transmitted to him.

And I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at.....
the.....day of....19..
in the Province of.....

.....
A Commissioner, Etc.

1913 (1st Session), c. 8, s. 14.

Appeal to
council

274. If any person thinks that he or any other person has been assessed too low or too high or that his name or the name of any other person has been wrongly inserted in or omitted from the roll or that any person who should be assessed as a public school supporter has been assessed as a separate school supporter or *vice versa* he may within the time limited as aforesaid give notice in writing to the assessor that he appeals to the council to correct the said error and in such notice he shall give an address where notices may be served upon him.

Form of
notice of
appeal

275. Every such complaint shall be in the following form:
To the Assessor of the Town of.....

Sir,—I hereby appeal against assessment No.....(or
as the case may be) on the following (*here state grounds of appeal*).

C.D.,

Applicant.

Dated this.....day of....., 19....

Notice of
hearing

276. The assessor shall forthwith notify every such appellant and every other person whose assessment is affected or may be affected thereby of the time and place of the sittings of the council to hear the said appeal.

Time of
notice

277. Every such notice shall be mailed by registered post to the post office address of such person as entered on the assessment roll at least fifteen days before such sitting of the council unless such person has a place of business within the

town in which case the assessor shall cause the said notice to be served at such place of business at least six days before the sitting of the council.

278. Before the sittings of the council the assessor shall prepare ^{List of appeals} a list of the appeals in the following form which list shall be posted on a notice board at the office of the secretary-treasurer and shall continue so posted during the sittings of the council:

Appeals to be heard by the council of the Town of.....
on the.....day of.....19....

Appellant	Respecting whom	Matter complained of
A.B.	Self	Overcharged on land
C.D.	E.F.	Name omitted
G.H.	J.K.	Not <i>bona fide</i> owner
etc.	etc.	or tenant

279. The assessor shall be the clerk and secretary of the ^{Secretary} council in connection with assessment appeals.

(2) As such clerk the assessor may when required so to do issue a summons to any person to attend as a witness at the court of revision; and if any person so summoned having been tendered compensation for his time at the rate of \$1 per day and mileage at the rate of ten cents per mile (both ways) where a railway is not available or actual railway fare (both ways) where a railway is available disobey such summons he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$50 and costs:

Provided however that the council hearing the appeal may for good and sufficient reasons excuse such person from attending before them and in such event no penalty shall be incurred by reason of such nonattendance.

280. The appeals shall be heard as far as possible in the order ^{Conduct of hearing} in which they stand upon the said list but the council may adjourn or expedite the hearing of any appeal as it thinks fit.

281. If the appellant or any other person whose assessment ^{Non-appearance} is affected or may be affected by the result of the appeal fails to appear in person or by an agent the council may proceed *ex parte*.

282. It shall not be necessary to hear upon oath the complainant ^{Evidence} or assessor or the person complained against except where the council deem it necessary or proper or where the evidence of the person is tendered on his own behalf or is required by the opposite party.

(2) All oaths necessary to be administered to witnesses giving evidence before the council may be administered by any member of the council hearing the appeal.

283. All the duties of the council under the foregoing sections shall be completed by the tenth day of July, and no appeal to the council shall be heard after that date. 1914, c. 7, s. 8. ^{Termination of sittings}

Amendment
of roll

284. Forthwith after the conclusion of the sittings the assessor shall amend the assessment roll in accordance with the decisions of the council; every such amendment shall be made in ink of a different colour from that of the original roll and shall be verified by the initials of the assessor.

Binding effect
of amended
roll

285. The roll as finally passed by the council and certified by the assessor as so passed shall be valid and bind all parties concerned notwithstanding any defect or error committed in or with regard to such roll or any defect, error or misstatement in the notice required by section 276 of this Act or any omission to deliver or to transmit such notice.

Evidence
of roll

286. A copy of the roll or any portion thereof written or printed without any erasure or interlineation and under the seal of the town certified to be a true copy by the assessor shall be received as *prima facie* evidence in any court of justice without the production of the original assessment roll.

Omissions
from
assessment
roll

287. If at any time before the first day of December it shall be discovered that the property of any taxable person or any part of same is not included in the roll the assessor shall notify such taxable person by registered letter mailed to the post office address of such person if such address be known that at meeting of the council to be held at least fifteen days after the mailing of such notice an application will be made to the council to assess such taxable property for such sum as may be deemed right and that such taxable person is required to attend at such meeting to show cause why the said taxable property should not be assessed and as to the amount the same should be assessed for.

(2) After such notices have been mailed as aforesaid and after the expiration of the time mentioned therein or if such taxable person or his address be not known then without any notice the council may assess such taxable property and direct the assessor to enter the same upon the proper tax roll as they shall direct and the name of such taxable person if known:

Provided always that all the provisions of this Act as to appeals from assessments as far as the same are applicable shall apply to any such assessment.

(3) Immediately after such assessment shall be made as aforesaid the assessor shall place the same on the tax roll at the end thereof and shall rate the same at the same ratio as the rest of the said roll and thereafter the taxes on same shall be collectable in the same manner as the rest of the taxes.

Duties of
assessor as
to entries

288. Where a person claims to be assessed or claims that another person should be assessed or named in the assessment roll so as to be entitled to be an elector and the assessor has reason to suspect that the person so claiming or the person on whose behalf the claim is made has not a just right to be so assessed or to be named in the roll so as to be entitled to be an elector the assessor shall make reasonable inquiries before assessing or naming any such person in the assessment roll.

(2) Any person entitled to be assessed or to have his name inserted in the assessment roll shall be so assessed or shall have his name so inserted without any request in that behalf; and a

person entitled to have his name so inserted in the assessment roll shall have the same right to apply to have the name of any other person inserted in the assessment roll as the other person would or could have had personally unless such other person actually dissents therefrom.

(3) Any person who wilfully and improperly inserts or procures the insertion of the name of a person in the assessment roll and any person who wilfully inserts or procures the insertion of any fictitious name in the assessment roll and any person who wilfully and improperly omits or procures the omission of the name of any person from the assessment roll or assesses or procures the assessment of a person at too low an amount with intent in any such case to deprive that person of his right to be an elector shall upon summary conviction thereof be liable to a penalty of \$25 with costs.

(4) In the absence of any declaration by the ratepayer as to whether he desires to be rated as a supporter of public school or of separate school the assessor shall enter the ratepayer as the supporter of the public school.

289. It shall be the duty of every assessable person to give Information to the assessor all information necessary to enable him to make to be given up the roll but no statement made by any such person shall bind the assessor or shall excuse him from making inquiry as to its correctness.

290. The roll with any amendments made as aforesaid shall Adoption of roll be adopted by the council on or before the fifteenth day of July and shall thereupon become and be the revised assessment roll of the town:

Provided that there shall be a right of appeal from the decision of the council to the judge as provided by and according to the procedure prescribed herein. 1913 (2nd Session), c. 22, s. 12.

291. The council may at any time correct any gross and palpable errors in the roll and any correctness so made shall Correction of errors be initialled by the assessor.

APPEAL FROM COURT OF REVISION TO THE JUDGE.

292. An appeal to the judge shall lie not only against the decision of the court of revision on an appeal but also against Appeal lies to judge the omission, neglect or refusal of the said court to hear or decide an appeal to it.

292a. On the hearing of any such appeal if it is made to appear to the judge that land situated in any town school district but outside the limits of the town municipality has been assessed at a higher relative value than land within such town municipality he may order that a percentage of reduction be made in the assessed value of all lands so situated outside the limits of such municipality so that justice may be done in the school district as between the ratepayers inside and outside the limits of the town municipality.

The judge shall have further power upon the hearing of any such appeal if he is of the opinion that the assessment is so inequable that substantial justice cannot be done by adjusting the

assessment in such cases as are then on appeal before him or by means of the exercise of the powers hereby conferred in the next preceding section, he may order that the assessment be quashed and that new assessment be made. 1913 (1st Session), c. 8, s. 15.

Proceedings
on appeal

293. In all appeals under the provisions of the preceding section the proceedings shall be as follows:

Notice of
appeal

1. The appellant shall in person or by agent serve upon the assessor within eight days after the decision of the court of revision a written notice of his intention to appeal to the judge;

Assessor to
notify parties
interested
in appeals

2. The assessor shall immediately after the time limited for service of such notice forward a list of all appeals to the judge and the judge shall fix a day for the hearing of such appeals;

Time of
notice

3. The assessor shall immediately upon the judge fixing the day for the hearing of such appeals give notice in writing to all parties interested in the said appeals respectively of the time and place fixed by the judge for the hearing of the same;

4. Every such notice shall be mailed by registered letter to the post office address of the appellant as entered on the assessment roll at least fifteen days before the day fixed by the judge for hearing the appeals unless such person has a place of business within the town in which case the assessor shall cause the said notice to be served at such place of business at least six days before the day fixed by the judge for hearing the appeals:

Provided however that in the event of failure by the assessor to have the required service of notice made or to have the same made as required by this Act the judge may direct the service to be made for some subsequent day then to be fixed by him for the hearing of the appeal;

Assessor to
post notice
of appeals

5. The assessor shall immediately upon the judge fixing the day for the hearing of such appeals cause a conspicuous notice to be posted up in his office and in the place where the council holds its sittings containing the names of all the appellants and parties appealed against with a brief statement of the ground or cause of appeal, also a statement of the time and place fixed by the judge for the hearing of such appeals;

Secretary-
treasurer to
be clerk of
court

6. The secretary-treasurer shall be the clerk of the court to be held by the judge for hearing the appeals and may issue subpoenas for the attendance of witnesses and the production of documents at said court;

Hearing and
determination
of appeals

7. At the court so holden the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but all appeals shall be determined before the fifteenth day of August; all deferred judgments shall be in writing and when given shall be filed with the secretary-treasurer; 1913 (2nd Session), c. 22, s. 13.

Proceedings
before judge

8. At the court to be holden by the judge to hear the appeals the person having charge of the assessment roll passed by the court of revision shall appear and produce such roll and all papers and writings in his custody connected with the matter of appeal and such roll shall be confirmed, altered or amended according to the decision of the judge if then given who shall write his initials opposite any part of the said roll in which any mistake, error or omission is corrected or supplied and if the judge reserves his judgment the secretary-treasurer shall when the same is given

forthwith alter and amend the roll according to the terms of the judgment and shall write his own name opposite every such alteration or correction;

9. In such proceedings the judge shall possess all such powers Judge's powers for compelling the attendance of and for the examining on oath of all parties whether claiming or objecting or objected to and all other persons whatsoever and for the production of books, papers, rolls and documents and for the enforcement of his orders, decisions and judgments as belong to or might be exercised by a judge of the District Court in respect of any civil proceeding in said court;

10. All process or other proceedings in, about or by way of Title of proceedings appeal may be entitled as follows:

In the matter of appeal from the court or revision of the town of
Between

A.B.,
Appellant,

and

C.D.,
Respondent;

11. The costs of any proceeding before the judge as aforesaid Cost of proceedings shall be paid by or apportioned between the parties in such manner as the judge thinks proper; and where costs are ordered to be paid by any party the same shall be enforced by execution to be issued as the judge may direct from the District Court or in the same manner as upon an ordinary judgment for costs recovered in such court;

12. The costs chargeable or to be awarded in any case may Taxation be the costs of witnesses and of procuring their attendance and none other, the same to be taxed according to the allowance in the court for such costs; and in cases where execution issues the costs thereof as in the like court and of enforcing the same may also be collected thereunder;

13. The decision and judgment of the judge shall be final Decision final and conclusive in every case adjudicated upon.

RATES.

294. The council shall in each year fix by by-law and levy Limitations upon all lands assessed upon the last revised assessment roll such rate or rates as shall be sufficient to pay all the debts of the town falling due within the year and the estimated expenditures of all town school districts transmitted by each board of trustees under the provisions of section 268 of this Act, making due allowance for the cost of collection and for the abatement and losses which may occur in the collection thereof. 1915, c. 15, s. 5.

(2) If at the time of the erection of a village into a town no assessment for village purposes has been made for the then current year or any preceding year and by reason thereof any debt has been incurred by the village and the same or any portion is still unpaid the council of the town shall have power to fix by by-law and to levy upon all land liable to assessment for town purposes, such special rate as it may deem necessary to provide for the discharge of such debt, and such rate may be in addition to the maximum rate allowed under the provisions of this section.

(3) In the case of a town school district the rate of taxation on unsubdivided farm lands situated outside the limits of the town municipality shall not exceed 8 mills on the dollar. 1913 (1st Session), c. 8, s. 16.

(4) The council may assess, levy and collect a frontage tax on all lands fronting or abutting on any of the streets, lanes, squares or other public places in, through or along which water-works mains have been or may hereafter be laid. Such tax shall be a uniform one of a certain amount (not exceeding 10 cents) per foot of the frontage, to be assessed, levied and collected as part of and along with the ordinary municipal taxes, and shall form a lien upon the lands affected in the same way as such ordinary taxes. 1913 (2nd Session), c. 22, s. 14.

(b) The amount of such tax, the lands to be affected, the mode of adjustment and the amount of the tax in respect of lands of peculiar shape or size, or of varying depths, or in respect of lands fronting or abutting on more than one street, lane, square or public place, shall be ascertained and determined by the assessor in such manner as he shall be directed thereto by the council. The assessor shall on or before the 15th day of July prepare and file with the official, in whose charge the collector's rolls are prepared, a report showing the names of all persons liable for frontage tax, a description of the lands and the amount of such tax. Immediately upon the completion of the report the assessor shall make and attach thereto a statutory declaration in the following form:

I,, of the Town of
..... in the Province of Alberta,

....., do solemnly declare:

1. That I have, according to the best of my knowledge, information and belief, set down in the attached report all lands liable to frontage tax situated in the Town of

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at.....	}	<i>Assessor for the Town</i> of.....
in the Province of Alberta,		
this.....day of.....,		
A.D. 19....		

.....
A Commissioner in and for
the Province of Alberta.

1913 (2nd Session), c. 22, s. 14.

(c) The official in whose charge the collector's rolls are prepared shall enter the amount of such tax in such rolls against the respective lands affected, in the same manner as and as part of the ordinary municipal rates and taxes. Such tax may be so assessed, levied and collected irrespective of whether such lands are vacant, or are not connected with the water mains or do not use or receive water from the same, and such frontage tax shall be a charge separate and apart from the rate or price charged for water actually furnished or supplied, or agreed to be furnished or supplied by the council. 1913 (2nd Session), c. 2, s. 14.

By-law

295. The council may pass one by-law or several by-laws authorizing the levying and collecting of a rate or rates of so much in the dollar upon the assessed value of the assessable

property in the town as shall be sufficient to raise the sum required according to such estimates.

296. If the amount collected falls short of the sum required ^{Deficiency} the council may direct the deficiency to be made up from any unappropriated fund belonging to the town.

297. If there is no unappropriated fund the deficiency may ^{Equal} be equally deducted from the sums estimated as required or ^{deduction} from any one or more of them.

298. If the sums collected exceed the estimates the balance ^{Surplus} shall form part of the general funds of the town and shall be at the disposal of the council unless otherwise specially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality the amount in excess collected on account of such special tax shall be appropriated to the special local object for which it was so collected.

299. The rates or taxes imposed or levied for any year shall ^{Date of} be considered to have been imposed and to be due on and from ^{maturity of} the first day of January of the then current year ending with ^{taxes} the thirty-first day of December thereof unless otherwise expressly provided for by the by-law under which the same are directed to be levied.

TAXES.

300. On or before the first day of September in each year ^{Preparation} the secretary-treasurer, with the assistance of the assessor, shall ^{and contents} prepare a tax roll and shall proceed to collect the taxes specified ^{of roll} therein. 1913 (1st Session), c. 8, s. 17; 1913 (2nd Session), c. 22, s. 15.

(2) The tax roll may be a continuation of the assessment roll and shall in that way, or independently, contain—

- (a) The name of every person assessed;
- (b) His residence;
- (c) The value of the land in respect of which he is assessed;
- (d) The total amount for which he is assessed;

and there shall be calculated and set down opposite each such entry, in appropriately headed columns, the sums for which such person is chargeable by way of taxes on account of: (1) The general rate, which may include the general debenture rate; (2) special rate; (3) school rate, and (4) arrears and the total thereof. 1913 (1st Session), c. 8, s. 17.

(3) If the taxes payable on any lot in any subdivision or plan, or on any fraction of a quarter section for the purposes of the town are less than fifty cents, the amount payable to such town on any lot in any subdivision or plan, or on any fraction of a quarter section for such purposes shall be fifty cents; and if the amount payable for school purposes on any lot in any subdivision or plan or on any fraction of a quarter section is less than fifty cents, the amount payable to the said town on any lot in any subdivision or plan, or on any fraction of a quarter section for such purposes shall be fifty cents. 1913 (2nd Session), c. 22, s. 15; 1914, c. 7, s. 9; 1915, c. 15, s. 6.

Tax notice

301. If a taxable person is a resident of the town the secretary-treasurer shall either transmit to him by mail a written or printed notice showing the amount of the taxes payable by such person and distinguishing between—

- (a) Taxes on land;
- (b) School taxes; and
- (c) Local improvement or other special tax;

or serve such notice upon any grown up person at the residence or business office of the person taxed; and the secretary-treasurer shall immediately enter upon the roll a memorandum of the date of the service or mailing of such notice and shall verify it by his initials; and such entry shall be *prima facie* evidence that the notice was served or mailed as aforesaid and of the date thereof.

Tax notice
nonresident

302. In case the taxable person is a nonresident the secretary-treasurer shall transmit to him by mail a similar statement of the taxes charged against him in the roll; and the secretary-treasurer shall immediately enter upon the roll a memorandum of the date of such transmission and verify it by his initials and such evidence shall be *prima facie* evidence that the said notice was so transmitted and of the date of such transmission.

Instalments

303. The council may by by-law require payment of taxes to be made by the taxable person at the office of the secretary-treasurer on any day or days and in bulk or by instalments.

303a. Any amount paid for taxes by any person assessed shall in every case be first applied to the payment of arrears, if any. Where no arrears exist any amount so paid, or in case of the existence of arrears, any balance remaining therefrom after the payment of such arrears, shall upon the written request of such person made before or at the time of payment, be applied to the payment of the taxes selected in such request, and where no such request is made, any such amount or balance, as the case may be, shall be applied to the payment of such of the taxes of the person assessed as the secretary-treasurer shall select. 1914, c. 7, s. 10.

Rebate

304. The council may by resolution allow a rebate or allowance, not exceeding ten per centum of the amount of the said taxes, by way of discount for payment of the aforesaid taxes on or before the day when the same or the first instalment thereof are payable. 1913 (2nd Session), c. 22, s. 16.

Land tax a lien

305. The taxes due upon any land may be recovered with costs from any owner or tenant originally assessed therefor and from any subsequent owner of the whole or any part thereof (saving his recourse against any other person); and such taxes shall be a special lien upon the land and shall be collectable by action or distress as a landlord may recover rent in arrear in priority to every claim, privilege, lien or encumbrance of every person except that of His Majesty; and the lien and its priority shall not be lost or impaired by any neglect, omission or error of any officer of the town.

306. The production of a copy of so much of the roll as relates ^{Evidence} to the taxes payable by any person in the town certified as a true copy by the secretary-treasurer shall be *prima facie* evidence of the debt.

307. In case taxes which are a lien upon land remain unpaid ^{Distress for taxes where lien} in the case of a resident of the town for fourteen days after notice given under section 301 hereof or in case of nonresidents for one month after the mailing of the statement provided for by section 302 hereof the secretary-treasurer may levy the same with costs by distress as a landlord may recover rent in arrear either—

1. Upon the goods or chattels wherever found within the town belonging to or in the possession of the owner or occupant of the land whose name appears on the roll and who is hereinafter called "the person taxed"; or

2. Upon the interest of the person taxed in any goods found on the land including his interest in any goods to the possession of which he is entitled under a contract for purchase or under a contract by which he may become the owner thereof upon performance of any condition; or

3. Upon any goods or chattels wherever found within the town of the owner of the land although the name of such owner does not appear upon the roll; or

4. Upon any goods or chattels on the land where the title to such goods or chattels is claimed in any of the ways following:

- (a) By virtue of an execution against the person taxed or against the owner though his name does not appear on the roll; or
- (b) By purchase, gift, transfer or assignment from the person taxed or from such owner whether absolute or in trust or by way of mortgage or otherwise; or
- (c) By the wife, husband, daughter, son, daughter-in-law or son-in-law of the person taxed or of such owner or by any relative of his in case such relative live on the land as a member of the family; or
- (d) By virtue of any assignment or transfer made for the purpose of defeating distress. 1913 (1st Session), c. 8, s. 18.

308. Where the person taxed or such owner is not in possession, ^{Goods of owner of taxed person only seizable} goods or chattels on the land not belonging to the person taxed or such owner shall not be subject to seizure; and the possession by a tenant of said goods and chattels on the premises shall be sufficient *prima facie* evidence that they belong to him.

309. No distress shall be made upon the goods or chattels ^{Tenant's goods} of a tenant for any taxes not originally assessed against him as such tenant.

310. In case taxes which are not a lien upon land remain unpaid ^{Distress where no lien} in the case of a resident of the town for fourteen days after notice given under section 301 hereof or in case of a nonresident for one month after the mailing of the statement and demand provided for by section 302 hereof the town may recover same as a debt due to the town or the secretary-treasurer may levy the same with costs by distress as a landlord may recover rent in arrear either—

1. Upon the goods or chattels of the person taxed wherever found within the town; or

2. Upon the interest of the person taxed in any goods to the possession of which he is entitled under a contract for purchase or a contract by which he may or is to become the owner thereof upon the performance of any condition; or

3. Upon the goods or chattels in the possession of the person taxed where title to the same is claimed in any of the ways defined by subclauses (a), (b), (c) of clause 4 of section 307 hereof and with the words "or against the owner though his name does not appear on the roll" and the words "or such owner" and the words "on the land" omitted therefrom.

Stranger's
goods

311. Notwithstanding anything herein contained no goods in the possession of the person liable to pay such taxes for the purpose only of storing or warehousing the same or of selling the same upon commission or as agent shall be levied upon or sold for such taxes.

Assignee
or liquidator

312. Goods in the hands of an assignee for the benefit of creditors or in the hands of a liquidator under a winding up order shall be liable only for the taxes of the assignor or of the company which is being wound up and for the taxes charged upon the premises in which the said goods were at the time of the assignment or winding up order and thereafter while the assignee or liquidator occupies the premises or while the goods remain thereon.

Exemptions

313. Any goods or chattels exempt by law from seizure under execution shall not be liable to seizure by distress unless they are the property of the person taxed or of the owner though his name does not appear on the roll.

Selection

314. The person who claims such exemption shall select and point out the goods or chattels as to which he claims exemption.

Anticipatory
distress

315. If at any time after demand has been made or notice given pursuant to sections 301 and 302 hereof and before the expiration of the time for payment of the taxes the secretary-treasurer has reason to believe that any person in whose hands goods or chattels are subject to distress is about to move the goods or chattels out of the town and if he makes affidavit to that effect before any justice of the peace the justice may issue a warrant to the secretary-treasurer authorizing him to levy for the taxes, costs and expenses in the manner provided by this Act although the time for payment thereof may not have expired and the secretary-treasurer may levy accordingly.

Costs

316. The costs chargeable in respect of any distress and levy shall be those payable to bailiffs under chapter 34 of The Consolidated Ordinances, 1898, intituled *An Ordinance respecting Distress for Rent and Extra Judicial Seizure* or any Act passed in amendment or substitution thereof.

Errors

317. No defect, error or omission in the form or substance of the notice or statement required by sections 301 and 302 hereof or in the service, transmission or receipt thereof shall invalidate any subsequent proceedings for the recovery of the taxes.

318. The secretary-treasurer shall by advertisement posted ^{Sale} up in at least three public places in the town near to the distrained property give at least five days' public notice of the time and place of sale and of the name of the person whose property is to be sold and at the time named in the notice the secretary-treasurer shall sell at public auction the goods or chattels distrained or so much thereof as may be necessary.

319. If the property distrained has been sold for more than ^{Surplus,} the amount of the taxes and costs and if no claim to the surplus ^{return of} is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus the said surplus shall be returned to the person in whose possession the property was when the distress was made.

320. If the claim is made by the person for whose taxes the ^{Surplus,} property was distrained and the claim is admitted the surplus ^{claim to} shall be paid to the claimant.

321. If the claim is contested the surplus shall be retained ^{Contested} by the secretary-treasurer until the respective rights of the parties ^{claim} have been determined by action or otherwise.

322. If any of the taxes mentioned in the roll remain unpaid ^{Reasons for} on the thirty-first day of December in any year and the secretary- ^{non-collection} treasurer is not able to collect the same he shall show opposite to each assessment the reason why he could not collect the same by inserting in each case the words "nonresident" or "not sufficient property to distrain" or "instructed by council not to collect" or "instructed by council to return not collected," or as the case may be.

323. In the event of any taxes remaining unpaid after the ^{Penalty for} thirty-first day of December of the year for which the same are ^{nonpayment} levied there shall be added thereto by way of penalty a sum equal to five per centum of the amount of taxes remaining unpaid and in the event of any taxes or any part thereof remaining unpaid on the first day of July next following there shall be added thereto by way of penalty an additional sum equal to five per centum of the amount of such taxes at that date remaining unpaid and the same additional sum shall be added thereto in the same manner upon any taxes remaining unpaid half-yearly on the first days of January and July in each year following; and such amount or amounts so added shall form a part of the taxes which by section 305 hereof are created a special lien upon the land; nothing in this section contained shall be construed to extend the time for payment of the said taxes nor in any way to impair the right of distress or any other remedy which is provided by this Act for the collection of the said taxes.

FORFEITURE OF LAND FOR NONPAYMENT OF TAXES.

324. The secretary-treasurer of every town shall during the month of January in each year prepare a separate statement ^{Tax} to be known as "The Tax Enforcement Return"; and the ^{enforcement} secretary-treasurer shall enter in such return the following information in the columns provided for the purpose:

1. The name and post office address of each person whose name appears on the last revised assessment roll of the town and who has not paid all taxes due by him to the town for the year next preceding the preparation of the said return or for any former year;

2. A description of each lot or parcel of land for which each such person is assessed;

3. A statement of the taxes due by each such person on each lot or parcel of land for which he is assessed including the taxes of the next preceding year and showing the years for which all such taxes were levied.

Audit of tax
enforcement
return

325. When duly prepared as provided in the next preceding section the secretary-treasurer shall submit the tax enforcement return to the auditor of the town who upon auditing the same and upon being satisfied that the said return is correct shall endorse thereon the following statutory declaration:

I,, auditor of the Town of, hereby solemnly declare that I have audited the above return and that to the best of my knowledge and belief it is correct in every particular.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at }
this day of 19 }
Auditor.

.....
A Comr., J.P., or N.P.

Return to be
prima facie
evidence

326. The said return as thus verified by the auditor of the town shall for all purposes be *prima facie* evidence of the validity of the assessment and imposition of the taxes as shown therein and that all steps and formalities prescribed by this Act have been taken and observed.

Treasurer to
collect arrears

327. The land shown on the said return shall continue liable to assessment and taxation in the same manner as other lands in the town unless and until they become vested in the town as hereinafter provided and the secretary-treasurer shall continue to collect arrears of taxes due to the town as shown by the said return and all taxes accruing due after such date including any penalties imposed under the provisions of section 323 hereof and upon receipt of any such payment he shall enter in the return the amount paid followed by his initials and the date of payment.

Court of
confirmation
of the said
return

328. On the application of the secretary-treasurer of the town the town solicitor, or some other solicitor authorized by the council, the judge may appoint the time and place for holding a court of confirmation of the said returns, notice of which shall be published in every issue of *The Alberta Gazette* for two months, and once each week for at least eight weeks in such newspaper published in the town, or if there be no newspaper published in the town, in such newspaper circulating therein, as a judge may direct.

329. A notice of the time and place fixed for the confirmation of such return shall be sent by registered mail by the secretary-treasurer of the town at least sixty days prior to the time so fixed to each person, who appears by the records of the land registration district within which the lands lie or by the said return to have or claim any interest in the lands mentioned in the said return in respect of which confirmation is desired, and whose post office address is shown by the said records or return; and the entry against such lands in the said return of the date of the mailing of such notice together with the signature or initials of the secretary-treasurer shall without proof of the appointment or signature or initials of the secretary-treasurer be *prima facie* evidence that the required notice was duly mailed on the date so entered. Notice of confirmation court

Such notice shall be in the following form:

In the matter of the Court of Confirmation of the Tax Enforcement Return of the Town of

Take notice that His Honour Judge,
Judge of the District Court of the District of,
has appointed the day of,
A.D. 19...., at, as the time and place
for the holding of the Court of Confirmation to confirm the Tax
Enforcement Return of the Town of

And further take notice that you appear to have an interest
in (*here insert the full description of the land mentioned in the said
Tax Enforcement Return*).

Dated at day of
A.D. 19....

.....
Secretary-Treasurer of the Town of....

1913 (1st Session), c. 8, s. 19; 1914, c. 7, s. 11.

330. If after the date for confirmation has been fixed as provided for by section 328 hereof but before the court of confirmation has been held any person interested in any parcel of land contained in the return presented to the judge for confirmation desires to pay the taxes due upon such land as shown by the said return, such person may do so on condition that he pays in addition thereto the amount chargeable against such parcel of land for costs of application to the judge, advertising, postage and all other expenses in connection with such proceedings, and any sum so paid shall form part of the general revenue of the town. 1914, c. 7, s. 12. Payment of arrears after date fixed for confirmation of return

331. At the time and place appointed as hereinbefore provided the judge shall hear the application and also any objecting parties and the evidence adduced before him under oath and thereupon adjudge and determine whether or not the taxes imposed respectively upon each lot or parcel of land included in the tax enforcement return, were either wholly or in part in default and report the adjudication to the secretary-treasurer of the town and shall also confirm the said return as to those lands on which any taxes are determined to be in arrears naming the amount of such arrears and adding thereto a reasonable amount for the expenses of advertising, postage and other work in connection with the tax enforcement return together with such sums as he may fix for costs of the application; and the effect of such Hearing of application for confirmation of return

adjudication when registered as hereinbefore provided shall be to vest in the town the said land free from all liens, mortgages and encumbrances of every nature and kind whatsoever subject however to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by the payment to the secretary-treasurer of the town of the amounts named including expenses as aforesaid together with any taxes which may have accrued on the said land since the date of such adjudication including any penalties imposed under the provisions of section 323 hereof. 1913 (1st Session), c. 8, s. 20; 1914, c. 7, s. 13.

Taxes due
January 1st

(2) (*Repealed*—1914, c. 7, s. 13.)

Successful
opposition
to confirmation

(3) In the event of any person successfully opposing confirmation of the said return as to the land in which he is interested the judge may order an allowance to him as witness fees to be paid by the town.

Copy of
adjudication to
be registered

(4) A copy of such adjudication certified by the secretary-treasurer shall be forwarded by registered mail to the registrar of land titles of the land registration district in which the lands named in the adjudication or any of them are situated, and it shall be the duty of the registrar to register the same against the lands therein named.

Copy of
confirmation
to be sent to
all interested
persons

(5) A copy of such adjudication shall also be sent by registered mail to the persons to whom by section 329 hereof notice of the time and place fixed for confirmation of the return is required to be sent and such persons or any of them shall be entitled to redeem the lands as hereinafter provided.

Publication
of notice of
forfeiture

(6) The secretary-treasurer of the town shall after the expiration of ten months and before the expiration of eleven months from the date of such adjudication cause to be published in *The Alberta Gazette*, and also in a newspaper published within the town or if there is no newspaper published within the town in a newspaper circulating therein, a notice stating that the land named therein has been forfeited for nonpayment of taxes and stating the time at which the period of redemption provided by law will expire and shall also not less than sixty days and not more than ninety days before the time at which the period of redemption provided by law shall expire send a similar notice by registered mail to the persons to whom by section 329 hereof notice of the time and place fixed for confirmation of the return is required to be sent.

Such notice shall be in the following form:

Take notice that the Tax Enforcement Return of the Town of was confirmed in respect of the herein described lands at the Court of Confirmation held at on the day of 19.... and unless such lands are redeemed on or before the day of 19...., the same will be absolutely forfeited for nonpayment of taxes.

Dated this. day of 19....

Secretary-Treasurer of the Town of

1913 (1st Session), c. 8, s. 20.

You appear to be interested in the following lands (*here insert full description of the lands*). The amount required to redeem this parcel is \$....., made up as follows:

Amount due as shown by tax enforcement return.....	\$.....
Taxes accrued since that date.....	\$.....
Expenses of advertising, etc.....	\$.....
Costs.....	\$.....
Redemption fee.....	\$.....

1913 (1st Session), c. 8, s. 20.

332. When the taxes on any parcel of land together with the expenses and redemption fee provided for in section 331 hereof have been paid to the secretary-treasurer within one year from the date of the said adjudication the secretary-treasurer shall issue to the person paying the taxes a certificate in the form following verified by an affidavit of attestation in the form following which certificate shall on presentation to the registrar of the land registration district in which the lands named are situated be registered by him free of charge and the said certificate when so registered shall discharge and release the said land from the said adjudication and the effect thereof. 1914, c. 7, s. 15.

The Town Act.

CERTIFICATE OF REDEMPTION.

This is to certify that the following lands, viz.:.....

 as to which any adjudication under the provisions of section 331 of *The Town Act* bearing date the.....
 day of..... was made by his Honour.....
 Judge of the District Court of the Judicial District of.....
 in the Province of Alberta, have been, under the provisions of the said section, redeemed and the said lands are therefore discharged and released from the said adjudication and the effect thereof.

Dated at.....this.....day of.....,
 19....

Witness:

AFFIDAVIT OF ATTESTATION.

CANADA:

Province of Alberta.

To Wit:

I,.....
 of....., in the Province of Alberta,
 (*occupation*) make oath and say:

1. That I was personally present and did see.....
 named in the within instrument who is personally known to me
 to be the person named therein, duly sign and execute the same
 for the purposes named therein.

2. That the same was executed at the.....
of.....in the Province of Alberta, and that
I am the subscribing witness thereto.

Sworn before me at.....
of.....in the Province
of Alberta this.....
day of....., A.D. 19....

.....
A J.P., *Commr. or N.P.*
(or as the case may be)

Issue of
certificate
of title

333. If after the expiration of one year from the date of the said adjudication the taxes which have accrued due to that date both before and after the date of adjudication together with any penalties imposed under the provisions of section 323 hereof together and the expenses and redemption fee as provided in section 331 hereof have not been paid to the secretary-treasurer the registrar on the written application of the secretary-treasurer shall issue a certificate of title under the provisions of *The Land Titles Act* in favour of the town freed from all liens, mortgages and encumbrances of every nature and kind whatsoever.

Such application shall be in the following form:

The Registrar of.....Land Registration
District:

The Town of.....hereby makes application to be registered as owner of (*here insert full description of land*). Being land as to which the Tax Enforcement Return of the said town was confirmed at the Court of Confirmation held on the.....day of.....19...., and which has not been redeemed.

Dated this.....day of.....19....

.....
Secretary-Treasurer of the Town of.....

(b) Every such application shall be accompanied by a statutory declaration by the mayor and secretary-treasurer of the town in the following form:

In the matter of *The Town Act* and in the matter of an application by the Town of.....for the issue of a certificate of title to (*here insert full description of the land*).

I,....., the secretary-treasurer of the Town of....., make oath and say—

1. That I have knowledge of the matters hereinafter deposed to.

2. That at the Court of Confirmation held at.....on the.....day of....., the Tax Enforcement Return of the said Town was confirmed in so far as such Tax Enforcement affects these lands.

3. That the notice hereto annexed was, after the expiration of ten months and before the expiration of eleven months published in *The Alberta Gazette* and was published in the.....(*the newspaper published in the town or having a circulation in the town as the case may be*).

That a similar notice and also a statement showing the amount required to redeem such land was mailed not more than sixty days nor less than thirty days before the expiration of the time

limited for redemption to each person appearing by the records in the land titles office for this land registration district to have any interest in such land.

Sworn before me at..... }
in the Province of Alberta }
the.....day of.....19.... }

1913 (1st Session), c. 8, s. 21.

A Commissioner, etc.

334. Each parcel of land included in a certificate of title issued in favour of a town under section 333 hereof shall while the same is owned by the town be assessed in the name of the town for all taxes required to be levied as if the same were assessed to an ordinary individual. 1915, c. 15, s. 10.

Forfeited
land to be
liable for
school taxes

335. Any lot or parcel of land which becomes the property of the town in the manner provided by section 331 hereof may subject to the approval of the Minister be sold, leased or otherwise disposed of by the council of the town on such terms and conditions as it may fix.

Forfeited
land may
be sold

(2) Where any land has been sold under the provisions of this section any balance remaining after the payment of all taxes, costs, charges, and expenses up to and including the date of such sale shall be paid by the town to the person as against whom such land was forfeited and such person may sue for and recover such amount in any court of competent jurisdiction. 1914, c. 7, s. 16.

PART VII.

MISCELLANEOUS.

LOCAL IMPROVEMENTS.

336. The term "local improvements" shall be taken to mean— Interpretation

- (a) The opening, widening, straightening, extending, grading, levelling, macadamizing, paving or planking of any street or public lane, alley, way or place; or
- (b) The construction of any sidewalk, bridge, culvert or embankment forming part of a highway; or
- (c) The curbing, sodding, boulevarding or planting of any street or public lane, alley, square or other public place; or
- (d) The making, deepening, enlarging or prolonging of any common sewer; or
- (e) The construction of any conduit for wires or pipes along any roadway, street, lane, alley, square or other public place; or
- (f) The reconstruction (but not the mere repair and maintenance) of any of the said works during the originally estimated lifetime thereof; or
- (g) The repairs and maintenance thereof after the lapse of the originally estimated lifetime thereof; or
- (h) The erection of firewalls and the acquiring of land necessary for the same.

(2) The term "special frontage assessment" shall be taken to mean a special assessment of the several lands abutting on the street or place whereon or wherein the improvement is to be made according to the number of lineal feet measured along the front or other abutting portion of the said several lands of the total charge to be provided by special frontage assessment, the rate per foot being a uniform and equal rate computed by dividing the total charge to be provided by special frontage assessment on the said lands by the number of lineal feet of such lands abutting on the street or place whereon or wherein the local improvement is to be made:

Provided that where the street or place whereon or wherein the local improvement is made abuts on several parcels of land some of which appear to call for a smaller or larger proportionate assessment on account of being corner lots or being of different size or shape from the other parcels of land abutting on the local improvement; such exceptional parcels of land may be assessed as having a smaller or larger number of feet abutting thereon than they actually have so that each parcel of land abutting on the local improvement bear a fair, just and equitable proportion of the cost of the improvement; and

Provided that in case the said system of special frontage assessment is adopted in respect of a sewer or a system of sewers and that for the purpose of affording an outlet therefor a sewer is carried along a street or place whereon or wherein it appears that owing to the peculiar position or condition of any lot or lots or parcel or parcels of land fronting or abutting thereon or to the absence of buildings thereon such sewer would not have been carried except as a means of affording an outlet as aforesaid; such lot or lots, parcel or parcels of land shall be exempted from the payment of any special frontage assessment in respect of such sewer either for the whole or a part of the term of the special frontage assessment or from the payment of the whole or a part of the proportionate cost thereof as shall appear just under the circumstances:

Provided that in case of sewers if any land which has not been assessed by way of special frontage assessment for any part of the cost of the sewer is connected therewith there may be assessed against such land the same amount per foot frontage as was assessed against the lands actually abutting on the street or place whereon or wherein the sewer was constructed and the provisions of the next following section shall apply to the assessment so made; and the amount so assessed shall be placed to the credit of the town account relating to sewers; but any land so assessed shall be exempt from special frontage assessment in respect of any sewer constructed on the street or place whereon or wherein such land abuts and the other lands specially assessed in respect of such last mentioned sewer shall not be specially assessed any greater sum on account of such exemption.

(3) The term "special local benefit assessment" shall be taken to mean a special assessment of each such parcel of land in the vicinity of the local improvement whether or not such land abuts on the street or place whereon or wherein such local improvement is made as is increased or is likely to be increased in market value or is otherwise benefited by reason of the

local improvement being made to the amount of such share of the total charge to be provided by special local benefit assessment as bears a fair, just and equitable proportion having regard to all other parcels of land benefited by the local improvement to such total charge.

(4) The term "cost" in relation to a local improvement shall include not merely the cost of the actual work of making the local improvement but also any expenses of engineering, surveying, advertising, issuing debentures and other expenses incidental to the entering on, carrying out and completing of the work and raising the money to pay the cost thereof including discounts and interests.

337. The amount assessed against any parcel of land either by way of special frontage assessment or special local benefit assessment shall be the total sum representing the proportion properly chargeable against such land of the total amount charged in respect of the local improvement against all the lands affected and the several amounts so assessed against the several lands shall with interest at a rate not exceeding six per cent. per annum be spread over the term of the probable lifetime of the local improvement so that the same shall be repayable in consecutive annual instalments in such manner that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of such period and each such annual instalment shall be entered upon the tax roll for the year in which the same is payable and shall be payable in the same manner and collectable by the same methods and shall be subject to the same penalties in case of default of payment as if they formed part of the general town taxes:

Amount of
assessment
and mode of
collection

Provided that the owner of any land so specially assessed may at any time commute the amount or balance remaining unpaid in respect thereof by paying the amount of the original assessment charged against such land together with interest and penalties chargeable in respect thereof less any amounts previously paid on account thereof.

338. The council may pass by-laws—

Procedure
by-laws

- (a) For providing the means of ascertaining and finally determining what portion of the cost of a local improvement shall be raised by special frontage assessment or by special local benefit assessment and what portion of it, if any, shall be borne by the town at large and in the case of special frontage assessment what lands shall be assessed in an exceptional mode as hereinbefore provided and the mode to be adopted and in the case of special local benefit assessment in what proportions the assessment is to be borne by the several lands affected and of assessing the cost or a portion of the cost, as the case may be, either by way of special frontage assessment or by way of special local benefit assessment; and in the case of common sewers and water mains and water service connections heretofore constructed or hereafter to be constructed what portion

of the cost thereof shall be raised by uniform frontage assessment and what portion shall be borne by the town at large;
and it is hereby declared that a by-law or by-laws of general application for the said purposes shall be sufficient and it shall not be necessary to pass a special by-law in each particular instance;

- (b) For borrowing by the issue of debentures upon the credit of the town at large the money required to meet the whole or any part of the costs of any local improvement provided (1) that by-laws for the purpose of raising money in respect of a local improvement may be passed comprising either the whole or a part of the amount of the entire cost thereof although a portion thereof is to be borne by the town at large and a portion is to be payable by special assessment or comprising the whole or a part of any portion of that part of the cost which is to be borne by the town at large or of that part of the cost which is payable by special assessment; (2) that such debentures shall mature within the probable lifetime of the local improvement; (3) that it shall not be necessary to obtain the assent of the ratepayers to the passing of any by-law for raising such portion of the cost of a local improvement as is or is to be levied by special assessment nor of any by-law for raising such portion of the costs as is to be borne by the town at large of an extension of a town system of sewerage originally constructed as a local improvement or of any other local improvement unless in the case of such other local improvement the share of the cost to be borne by the town at large shall be greater than can be properly paid out of the current revenue of the town for the current year or greater than forty per cent. of the cost of such local improvement; and (4) that nothing herein contained shall be construed as authorizing an extension of the general debt of the town beyond the limits thereof fixed by this Act;

- (c) For borrowing by way of temporary loans within the restrictions aforesaid on the credit of the town at large the whole or any part of the cost of a local improvement provided that section 179 hereof shall not apply to the case of such temporary loans;

and it is hereby declared that loans made for the purpose of local improvements to the extent to which the sums are secured by special assessments therefor form no part of the general debt of the town within the meaning of this Act and it shall not be necessary to cite the amount of the local improvement debt so secured by special assessment in any by-law for borrowing money but it shall be sufficient to state in any such by-law that the amount of the general debt of the town as therein set forth is exclusive of local improvement debts secured by special assessments.

Petition
or notice

339. No local improvement to be paid for in whole or in part by special frontage assessment or special local benefit

assessment shall be undertaken except pursuant to petition or notice as hereinafter provided:

- (a) Upon receipt of a petition praying for any local improvement signed by at least two-thirds in number of the persons registered or assessed as owners of land abutting on the street or place whereon or wherein the improvement is to be made or of lands to be benefited by the local improvement, as the case may be, and representing at least one-half in value of such lands excluding improvements thereon as the same are valued upon the last revised assessment roll the council may take all proper and necessary proceedings for undertaking and completing the local improvement on the special frontage assessment system or special local benefit assessment system, as the case may be, and after the council shall have finally determined to undertake the improvement no name shall be removed from such petition;
- (b) The request of the petition may be acceded to by the council of the current or next succeeding year either in respect of the whole or of a part:
Provided that part only of the local improvement asked for shall not be made unless the petition is sufficiently signed having regard only to the lands abutting on or benefited by, as the case may be, the part of the local improvement which is made.
- (2) (a) Any local improvement may also be undertaken and the assessment of the cost thereof may be made on either of the systems aforesaid unless the majority of the owners of the lands to be affected representing at least one-half in value thereof as aforesaid petition the council against the same within two weeks after the last publication of notice of the intention of the council to undertake the local improvement; such notice to be inserted once in each week for two consecutive weeks in at least one newspaper published in the town or if there is no newspaper published therein in any newspaper circulating therein;
- (b) In the event of any sufficiently signed petition as aforesaid against the proposed local improvement being presented to the council no second notice for the same shall be given by the council within the then current calendar year;
- (c) When notice of a proposed local improvement to be paid for by special assessment as a local improvement has been given by the council and no petition sufficiently signed as aforesaid has within the time limited in that behalf been presented to the council against such local improvement or assessment it shall be lawful for the council of the same or the next succeeding year to undertake the proposed local improvement.

340. Any local improvement may in the discretion of the council be undertaken either before or after the cost thereof shall have been ascertained and finally determined as aforesaid ^{Time of making improvement}

unless the petition or notice in respect thereof specially provides that the cost shall be first ascertained.

**Invalid
assessment**

341. If in any case the first assessment for any local improvement proves insufficient or invalid an additional or new assessment or assessments may be made until sufficient moneys have been realized to pay therefor; and if too large a sum has at any time been raised the excess shall be refunded rateably to those by whom it was paid.

Appeal

342. There shall be rights of appeal against every assessment made under the authority of any by-law passed respecting local improvements in the same manner and by the same procedure as nearly as may be as in the case of an appeal from an ordinary assessment.

**Notice of
assessment**

343. Notice of every proposed special assessment shall be given by the assessor to each person registered or assessed as owner of any parcel of land to be charged thereby either personally or by letter addressed to the last post office address of the owner; and the notice shall set forth—

- (a) A description in general terms of the local improvement;
- (b) The probable lifetime of the local improvement as being the period over which the cost will be spread;
- (c) The probable or actual cost of the local improvement;
- (d) The portion, if any, of the cost to be borne by the town at large;
- (e) The portion of the cost to be provided by special assessment and the system of special assessment under which the special assessment is proposed to be made;
- (f) The time fixed for the sitting of the council for the hearing of appeals in respect of the special assessment; such sitting not to be earlier than fifteen days from the date of the delivery or mailing of the notices.

Evidence of

344. A memorandum in any proper book or roll kept for that purpose of the service or mailing of such notices and of the date thereof shall be *prima facie* evidence of the service or mailing of such notices in accordance with the last preceding section on the date mentioned in the memorandum.

Quashing

345. No assessment under the provisions of this Act respecting local improvements shall be invalid by reason of any defect in form or in substance in any proceeding upon which such special assessment depends unless an application to quash the same shall have been made in accordance with the provisions of sections 225 and 226 hereof and before the date fixed for the sittings of the court of revision.

**Decision of
the council**

346. The decision of the council subject to an appeal to a judge by the like procedure and as in like cases under the provisions of this Act shall be final and conclusive upon all matters respecting the assessment and special rate and the council and judge shall respectively have power in the event of the assessment of any party being decreased or increased on appeal to raise or lower proportionately the assessment of the other parties assessed without any further notice.

347. The moneys required to pay the costs of local improvements may be borrowed under the authority of one or more by-laws; and the portion payable by way of special assessment and the portion to be borne by the town at large may be provided for in one or more separate by-laws; and every by-law providing for the raising of that portion of the cost which is payable by way of special assessment or of any part thereof shall state by recital or otherwise—

Contents of
by-law

1. The amount of the debt which such by-law is intended to create and in general terms the object for which it is to be created;

2. The total amount required to be raised annually for paying the debt and interest under the by-law and whether the whole or if not what portion thereof is payable by way of special assessment and the system of special assessment applicable;

3. The total value of the land charged with the special assessment and if any portion of the debt created by such by-law is to be borne by the town at large the value of the whole rateable property of the town according to the last revised assessment roll;

4. That the debt is contracted on the credit and security of the town at large but as to so much as is not to be paid by the town at large the town is to collect the same only by way of special assessment as aforesaid.

PART VIII.

HIGHWAYS AND PUBLIC PLACES AND ACTIONS BY AND AGAINST THE TOWN.

HIGHWAYS AND PUBLIC PLACES.

348. All public roads, streets, bridges, highways, lanes, alleys, squares or other public places in a town shall be vested in and subject to the direction, management and control of the council for the public use of the town but always subject to the right of the province to utilize the same for or in connection with any public work of the province.

Within
the town

349. The Lieutenant Governor in Council may direct that any highway, bridge or stream not wholly within the town limits or any part of such highway, bridge or stream shall be subject to the direction, management and control of the council for the public use of the town.

Without
the town

350. Every public road, street, bridge, highway, square, alley or other public place subject to the direction, management and control of the council including all crossings, sewers, culverts and approaches, grades, sidewalks and other works made or done therein or thereon by the town or by any person with the permission of the council shall be kept in repair by the town and on default of the town so to keep the same in repair the town besides being subject to any penalty provided by law shall be liable for all damage sustained by any person by reason of such default.

Repairs

(2) No action shall be brought under the provisions of this section except within six months from the date on which the cause of action arose and unless notice in writing of the accident shall be mailed to or served upon the secretary-treasurer of the town within one month after the date on which the cause of action arose:

Provided that in the case of the death of the person injured or if the court or the judge before whom the action is tried considers that there is reasonable excuse for the want or insufficiency of such notice and that the defendants have not been prejudiced by such defence the want of notice required under this section shall be no bar to the maintenance of this action.

Private
dedication

351. The last preceding section shall not apply to any road, street, bridge, alley or square, crossing, sewer, culvert, sidewalk or other work made or laid out by any private person until the same has been established as a public work by by-law or has been assumed for public use by the council.

Town's
remedy over
in action of
damages

352. In case an action is brought against the town to recover damages sustained by reason of any obstruction, excavation or opening in or near to a public highway, street, bridge, alley, square or other public place placed, made, left or maintained by any person other than a servant or agent of the town or to recover damages sustained by reason of any negligent or wrongful act or omission of any person other than a servant or agent of the town, the town shall have a remedy over against the other person for and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in the action may recover against the town.

In same
action

353. The town shall be entitled to such remedy over in the same action if the other party is made a party to the action; and if it is established in the action as against the other person that the damages were sustained by reason of an obstruction, excavation or opening as aforesaid placed, made, left or maintained by such other person the town may in such action have the other person added as a party defendant or third party for the purposes hereof (if not already a defendant in the action jointly with the town); and the other person may defend such action as well against the plaintiff's claim as against the claim of the town to a remedy over; and the judge upon the trial of the action may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases.

In separate
action

354. If such other person be not a party defendant in such action or be not added as a party defendant or third party or if the town has paid the claims for such damages before any action is brought to recover the same or before the recovery of damages or costs against the town therein the town shall have a remedy over by action against such other person for such damages and costs as have been sustained by reason of any obstruction, excavation or opening placed, made, left or maintained as aforesaid.

355. Such other person shall be deemed to admit the validity of the judgment if any obtained against such town in cases Admission of third party's liability only where a notice has been served on such person pursuant to the provisions of *The Judicature Ordinance* or of any rules of court made thereunder or where such other person has admitted or is estopped from denying the validity of such judgment.

356. Where no such notice has been served and there has Nonadmission of liability been no such admission or estoppel and the other person has not been made a party defendant or third party to the action against the town or when damages have been paid without action or without recovery of judgment against the town the liability of the town for such damages and the fact that the damages were sustained by reason of an obstruction, excavation or opening placed, made, left or maintained by the other person must be established in the action against such other person in order to entitle the town to recover in such action.

357. Where the town and an adjacent city, town, village, Joint liability rural municipality or local improvement district are jointly liable for the nonrepair of a public road, bridge, street or other highway there shall be contribution between them as to the damages sustained by any person by reason of their default in keeping the same in repair; and any action brought by any such person shall be brought against all of such municipalities jointly and any defendant therein may require that the proportions in which any damages and costs recovered in the action are to be borne between them shall be determined therein and in settling such proportions either in the action or otherwise regard shall be had to the extent in which each municipality was responsible either primarily or otherwise for the act or omission for which the damages have become payable or are recovered and the damages and costs shall be apportioned between them accordingly.

358. Nothing contained in sections 350 or 351 hereof shall Limitation of liability cast upon the town any obligation or liability in respect of acts done or omitted to be done by other persons acting in the exercise of powers or authorities conferred upon them by law and over which the town has no control where the town is not a party to such acts or omissions and where the authority under which such persons have acted or shall act is not a by-law, order, resolution or license of the council.

359. Where an action may be brought against the town by any person who has suffered damages by reason of the default of the town in keeping in proper repair any public road, street, bridge, highway, square, alley or other public place no action shall be brought in respect of such damage against any member of the council or officer or employee thereof personally but the remedy thereof shall be wholly against the town. No liability on office of town

(2) This section shall not affect the liability of a mere contractor with the town nor of any officer or employee of any such contractor by reason of whose act or neglect the damage was caused.

ACTIONS BY AND AGAINST TOWN.

Rights as in
proceedings

360. Where duties, obligations or liabilities are imposed by law upon any person, company or corporation or where contracts or agreements are or have heretofore been created, enacted or validated by any statutes imposing such duties, obligations or liabilities the town shall have the right by action to enforce such duties or obligations and the payment of such liabilities and to obtain as complete and full relief and to enforce the same remedies as could have been maintained, obtained and enforced therein by the Attorney General had he been a party to the said action as plaintiff or as plaintiff upon the relation of any person interested.

Notice of
action in
certain cases

361. In case a by-law, order or resolution is illegal in whole or in part or in case anything has been done under it which by reason of such illegality gives any person a right of action no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed nor until one month's notice in writing of the intention to bring the action has been given to the town; and every such action shall be brought against the town alone and not against any person acting under the by-law or resolution.

Tender of
amends

362. In case the town tender amends to the plaintiff or his solicitor if such tender is pleaded and if traversed proved and no more than the amount tendered is recovered the plaintiff shall have no costs but costs shall be taxed to the defendant on such scale as the presiding judge may direct and shall be set off against the amount recovered and the balance due to either party may be recovered as in ordinary cases.

Procedure
on writs of
execution in
sheriff's hands

(2) The council of any town upon any claim being made or action brought for damages for alleged negligence on the part of the town may tender or pay into court (*as the case may be*) such amount as they may consider proper compensation for the damage sustained; and in the event of the nonacceptance by the claimant of such tender or of the amount paid into court, and of the action being proceeded with, and no greater amount being recovered than the amount so tendered or paid into court, the costs of the suit shall be awarded to the defendants, and set off against any amount recovered against them.

EXECUTIONS AGAINST TOWNS.

363. Any writ of execution against a town may be endorsed with the direction to the sheriff of the judicial district in which the town is situate to levy the amount thereof by rate and the proceedings thereon shall be as follows:

Copy writ to
be delivered
to secretary-
treasurer

1. The sheriff shall deliver a copy of the writ and endorsement to the secretary-treasurer of the town with a statement in writing of the amount required to satisfy such execution including the amount of interest thereon and sheriff's fees and demand the payment of the same;

Demands for
paymentExecution
rate

2. In case the amount demanded is not paid to the sheriff within thirty days after such delivery the sheriff shall examine the assessment roll of the town and shall in like manner as rates

are struck for general town purposes strike a rate sufficient in the dollar to cover the amount claimed as aforesaid with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage up to the time when such rate will probably be available;

3. The sheriff shall thereupon issue a precept or precepts under his hand and seal of office directed to the secretary-treasurer of the town and shall annex thereto the roll of such rate and shall by such precept after reciting the writ and that the corporation had neglected to satisfy the same and referring to the roll annexed to the precept command the secretary-treasurer to levy such rate at the time and in the manner by law required in respect to the general annual rates;

Sheriff's
precept to
secretary-
treasurer

4. At the time for levying the annual rates next after the receipt of such precept the secretary-treasurer shall add a column to the tax roll headed: "Execution rate in A.B. versus the town of (as the case may be)" adding a similar column if there are more executions than one and shall insert therein the amount by such precept or precepts to be levied upon each person respectively and shall levy the amount of such execution rate aforesaid and shall within the time that he is required to make the returns of the general annual rate return to the sheriff the precept or precepts with the amount levied thereon deducting his percentage;

Levy of
special rate

5. The sheriff shall after satisfying the execution and all fees thereon return any surplus within ten days after receiving the same to the secretary-treasurer for the general purposes of the town;

Surplus

6. In case the secretary-treasurer of any town against which an execution has issued is not paid by percentage fixed by law of the town he shall be paid for such collections a sum not exceeding two and one-half per centum.

Secretary-
treasurer's
percentage

364. The secretary-treasurer and assessor shall for the purposes of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect to such execution be deemed to be officers of the court from which such writ issued and as such may be proceeded against by attachment, *mandamus* or otherwise to compel them to perform the duties hereby imposed on them.

Secretary-
treasurer
and assessor
officers
of court

PART IX.

PENALTIES.

365. Any person who shall either directly or indirectly, personally or through any servant, employee or agent—

Setting fire
within town

- (a) Kindle a fire and let it run at large on any land not his own property;
- (b) Permit any fire to pass from his own land; or
- (c) Allow any fire under his charge, custody or control or under the charge, custody or control of any servant, employee or agent to run at large;

shall be guilty of an offence and shall on summary conviction thereof be liable to a penalty of not less than \$25 and not more

Penalty

than \$200 and in addition to such penalty shall be liable to civil action for damages at the suit of any person whose property has been injured or destroyed by any such fire.

Application
of fines

366. Any penalty or fine under any by-law of the town shall if no other provision is made respecting it belong to the town for the public use of the same and form part of the general revenue of the town.

Transportation
and
maintenance
of prisoners

(2) In the event of any person being committed to gaol by reason of a breach of any by-law of the town there shall be chargeable to such town such part of the expenses paid by the province for the transport of such person to gaol and for his maintenance while there as may be designated by the Lieutenant Governor in Council.

Amount of
penalty, etc.

367. The council may by any by-law—

1. Impose a penalty not exceeding \$100 exclusive of costs for breach of any provision of any by-law and provide for reasonable punishment by imprisonment, with or without hard labour, in the nearest common gaol for any period not exceeding sixty days in case of nonpayment of the fine and costs inflicted for any such breach unless such fine and costs, including the costs of committal, are sooner paid. 1913 (2nd Session), c. 22, s. 17.

2. Enact that in case the conviction be for the nonpayment of any license fee payable to the town under the provisions of any by-law of the town the convicting justice may adjudge payment thereof in addition to the penalty.

Recovery of
penalties

368. Any such penalty and license fee or any other penalty imposed under the provisions of this Act may unless any other provision is specially made in respect thereof be recovered and enforced with costs on summary conviction before a justice of the peace.

(2) Any secretary-treasurer, or other officer of the town, who refuses, neglects or fails to discharge the duties of his office, or who knowingly signs any false statement, report or return required by this Act, or any other enactment in force in the province, or who refuses or neglects to hand over to his successor in office, or such persons as may be designated in writing to him by the council or by the Minister, all moneys, books, papers and other property of the town in his possession, in addition to any civil liability which he may incur shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$100.00. 1913 (2nd Session), c. 22, s. 18.

PART X.

MISCELLANEOUS.

GOVERNMENTAL COMMISSION OF INQUIRY.

Inquiry by
government

369. In case one-third of the members of the council or one-fourth of the electors of the town petition the Lieutenant Governor in Council for a commission to issue under the great seal to inquire into the financial affairs of the town the Lieutenant

Governor in Council may issue a commission accordingly; and the commissioner or commissioners shall have all the powers of commissioners appointed under chapter 2 of the Statutes of 1908 intituled *An Act respecting Inquiries Concerning Public Matters* or any Act passed in amendment or substitution thereof.

JUDICIAL COMMISSION OF INQUIRY.

370. In case the council pass a resolution requesting a judge ^{Inquiry by judge} of the Supreme Court or of the District Court of the judicial district in which the town is wholly or mainly situated to investigate any matter mentioned in the resolution and relating to an alleged malfeasance, breach of trust or other misconduct on the part of any member of the council or commissioner or other officer, servant or agent of the town or of any person having a contract therewith in relation to the duties or obligations of such person to the town or in case the council see fit to cause inquiry to be made into or concerning any matter connected with the good government of the town or the conduct of any part of the public business thereof and pass a resolution requesting a judge to make inquiry, the judge shall inquire into the same and thereupon he shall for that purpose have all the powers which may be conferred upon commissioners under chapter 2 of the Statutes of 1908, intituled *An Act respecting Inquiries Concerning Public Matters* or any Act passed in amendment or substitution thereof; and the judge shall with all convenient speed report to the council the result of the inquiry and the evidence taken thereon.

(2) The judge holding such investigation shall be entitled to receive and shall be paid the same fees as he would be entitled to receive if acting as an arbitrator under section 238 hereof.

(3) The council requesting any such investigation may engage and pay counsel to represent the town therein and may pay all proper witness fees to persons summoned to give evidence at the instance of the town; and any person charged with malfeasance, breach of trust or other misconduct or whose conduct is called in question on such investigation may be represented by counsel thereon.

371. The council may at any time by resolution appoint ^{Investigation by committee of the council} a committee of its members to investigate any charge which may be made against any employee of the town and the committee so appointed may summons such employee before it to answer the charge and shall have power to summons witnesses and to take evidence under oath and may pay all proper witness fees to persons summoned to give evidence and the committee shall report the result of its inquiry to the council.

1911-12

CHAPTER 3.

An Act respecting Rural Municipalities.

(Assented to February 16, 1912.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta; enacts as follows:

SHORT TITLE.

Short title 1. This Act may be cited as "*The Rural Municipality Act.*"

INTERPRETATION.

Interpretation 2. In this Act unless the context otherwise requires the expression—

Minister 1. "Minister" means the Minister of Municipal Affairs for Alberta;

Municipality 2. "Municipality" means any rural municipality established under the provisions of this Act;

Council 3. "Council" means the council of a rural municipality;

Reeve 4. "Reeve" means the reeve of a rural municipality;

Councillor 5. "Councillor" means a member of the council of a rural municipality;

6. "Resident elector" means—

Resident elector before completion of voters' list

(a) For the purpose of any municipal or other election provided by this Act held prior to the completion of the first municipal voters' list or the organization of a municipality any person, male or female, of the full age of twenty-one years who is actually residing in the municipality or proposed municipality, as the case may be, and who has so resided therein and owned or been the occupant of assessable land therein as provided by this Act for a period of at least two months immediately prior to the date of such election;

Resident elector after completion of voters' list

(b) After the completion of the first municipal voters' list any person, male or female, of the full age of twenty-one years actually residing in the municipality whose name appears on the municipal voters' list and who has paid all taxes due by him to the municipality up to the 31st day of December last but one preceding: 1914, c. 9, s. 1.

Occupant's right to vote

Provided that in no case shall the owner of land occupied by some person other than such owner be deemed to be a resident elector unless the area of such land exceeds three hundred acres in which case the owner if an actual resident of the municipality as well as the occupant shall be deemed to be a resident elector;

Provided also that any elector otherwise qualified who resides in a village, town or rural municipality.

which is within or adjoins at some point to the said municipality and who has actually cultivated 80 acres of the land in the municipality owned by him, during the current year, shall be deemed to be a resident elector. 1914, c. 9, s. 1.

7. "Elector" means any person, male or female, of the full ^{Elector} age of twenty-one years whose name appears on the municipal voters' list as the owner of assessable land in the municipality and who has paid all taxes due by him to the municipality up to the thirty-first day of December last but one preceding in respect of such lands. 1914, c. 9, s. 1.

8. "Owner" means and includes any person who appears ^{Owner} by the records of the land titles office for the land registration district within which such land is situated, to have any right, title or interest in the land within the limits of the municipality other than that of a mortgagee or encumbrancee, not exempt from taxation; 1913 (1), c. 7, s. 1.

9. "Occupant" includes the inhabitant occupier, or if there ^{Occupant} be no inhabitant occupier the person entitled to an absolute or limited possession; any person holding under a lease, license, permit or agreement therefor; any person holding under an agreement of sale or any title whatsoever, and any person having or enjoying in any way or to any degree or for any purpose whatsoever, the use, of land exempt from taxation; 1913 (1), c. 7, s. 1.

10. "Person" includes corporations, joint stock companies ^{Person} and partnerships;

11. "Secretary" means the secretary or the secretary-treasurer ^{Secretary} of the municipality;

12. "Treasurer" means the treasurer or the secretary-treasurer ^{Treasurer} of the municipality;

13. "Assessor" means the assessor of the municipality; ^{Assessor}

14. "The municipal voters' list" means the voters' list of ^{Municipal voters' list} the municipality as finally revised;

15. "Land" or "property" includes lands, tenements and ^{Land} hereditaments and any estate or interest therein; and for the purpose of assessment and of taxation only, "land" means land or any estate or interest therein exclusive of the value of the buildings or other improvements thereon. 1913 (1), c. 7, s. 1.

15a. "Improvements" means any buildings or any other ^{Improvements} increase in the value of land caused by any expenditure of either labour or capital thereon; 1913 (1), c. 7, s. 1.

16. "Public work" includes lands, streams, water courses and ^{Public works} property real and personal acquired for public works, dams or dugouts erected or made for the storage of water, roads, culverts, bridges, ferries, ditches, sidewalks, wells, drains and public buildings and all improvements, alterations and additions made to any such public work;

17. "Felony" means any indictable offence which since the ^{Felony} passing of *The Criminal Code* is punishable with death or imprisonment for a period of five years or over;

18. "Misdemeanour" means any indictable offence for which ^{Misdemeanour} under *The Criminal Code* the penalty is imprisonment for a term of less than five years;

19. "Hawker" or "pedlar" means and includes any person ^{Hawker and pedlar} who, whether as principal or agent, goes from house to house, selling or offering for sale goods, wares or merchandise to any person, not being a wholesale or retail dealer in such goods, wares

or merchandise or offers or exposes to any person not being a wholesale dealer in such goods, wares or merchandise samples or patterns of any goods, wares or merchandise to be afterwards delivered in the municipality but shall not mean or include any person selling meat, fruit, fish, agricultural implements, sewing machines or farm produce by retail. 1913 (1), c. 7, s. 1.

Transient
trader

(2) "Transient trader" means and includes any person who occupies premises in the municipality who offers goods, wares or merchandise for sale, either personally or through a licensed auctioneer or other agent or servant, whose name has not been entered on the last revised assessment roll of the municipality or who has not before he offers such goods, wares or merchandise for sale as aforesaid resided continuously in the village for a period of three months next preceding the date at which he offers such goods, wares or merchandise for sale. 1913 (1), c. 7, s. 1.

Crop

20. "Crop" for the purposes of the sections of this Act relating to hail insurance means any grain, cereal, cultivated grass, or clover grown for hay, growing on any land. 1913 (2), c. 21, s. 1; 1914, c. 9, s. 1.

Definition of
"herein"

3. Wheresoever the word "herein" is used in any section of this Act it shall be understood to relate to the whole Act and not to that section only.

Deviation
from forms

4. Where forms are prescribed any deviation therefrom not affecting the substance nor calculated to mislead shall not vitiate the same and forms to the like effect shall suffice.

Power to alter
or revoke
by-laws

5. Where power to make by-laws, regulations, rules or orders is conferred it shall include the power to alter or revoke the same from time to time except where by-laws are made for the purpose of raising money, levying assessments or striking rates.

Extension
of time

6. Where in this Act a certain date is fixed on or by which certain things are to be done or proceedings had or taken and if it appears that such date was fixed having regard to an earlier date fixed on or by which certain things are to be done or proceedings had or taken then notwithstanding anything herein contained if default be made in respect of the earlier date a like delay shall be allowed in respect of the later date.

Extension
of time by
order of
Minister

7. If anything to be done by or under this Act at or within a fixed time cannot be or is not so done the Minister may by order from time to time appoint a further or other time for doing the same whether the time within which the same ought to have been done has or has not expired.

(2) Anything done within the time prescribed by such order shall be as valid as if it had been done within the time fixed by or under under this Act.

PART I.

MUNICIPAL ORGANIZATION.

'AREA AND BOUNDARIES OF MUNICIPALITIES.

Area of
municipality

8. Every municipality shall in so far as the same is practicable comprise an area of eighteen miles square or three hundred

and twenty-four square miles and all municipalities shall be laid out on a uniform plan as nearly as the conditions of the system of Dominion land survey and the physical features of the province will allow:

Provided, however, that in any case where the organization of a municipality containing such area or laid out on such uniform plan is impracticable by reason of the physical features of the land sought to be included therein or from any other cause, the Minister may permit the organization of a municipality containing such less area or laid out on such other plan, as the case may be, as he shall think fit. 1914, c. 9, s. 2.

9. Prior to the organization of any rural municipality under the provisions of this Act the Minister shall prepare a map of the province on which shall be outlined the area and boundaries of municipalities to be hereafter organized under the provisions of this Act and such boundaries shall be fixed as provided in the next preceding section commencing at the south-eastern corner of the province. On every such map shall be outlined, the area and boundaries of six divisions of as nearly equal area as may be into which the municipality shall be divided in the event of a vote of the resident electors being in favour of such division as hereinafter provided. 1913 (1), c. 7, s. 2. Map of municipalities

10. No city, town or incorporated village, nor any portion thereof, shall be deemed for the purpose of this Act to be included within the limits of any municipality to be hereafter organized thereunder. Cities, towns or villages not included

11. The map thus prepared shall at all reasonable hours be open to inspection and the boundaries of every municipality petitioned for shall subject to such variations as may be approved by the Minister correspond with those indicated on the said map. Map open to inspection

ORGANIZATION OF A MUNICIPALITY.

12. Whenever the residents of any portion of the province which has not been constituted a small local improvement district, deem it advisable to take steps to organize a municipality in their neighbourhood they shall apply to the Minister for a form of petition and for a plan showing the boundaries of the proposed municipality as indicated on the map referred to in section 9 hereof. 1913 (2), c. 21, s. 2. Application for petition

(2) No such application received by the Minister in any year shall be acted upon by him unless it is received before the first day of August in such year. When acted upon

13. No portion of the province shall be organized as a municipality unless it contains actually resident therein a population in proportion of one person to each square mile of the area of the proposed municipality. Number of residents

14. Every petition for the organization of a municipality shall be in such form as is prescribed by the Minister and shall be signed by at least six resident electors of each township within the area of the proposed municipality; provided, however, that Petition for organization

in any township where there are only ten residents or less it shall only be necessary for the petition to be signed by one-fifth of the resident electors. 1913 (2), c. 21, s. 3.

Witness to
signatures

15. Such petition may be divided into separate pages, every signature on each page shall be witnessed by a resident elector of the proposed municipality. 1913 (1), c. 7, s. 2; 1913 (2), c. 21, s. 3.

Final date
for necessary
petitions

16. No action shall be taken by the Minister on any such petition received by him later than the 10th day of November in any year. 1913 (1), c. 7, s. 2; 1913 (2), c. 21, s. 3.

Minister to
declare muni-
cipality
organized

17. Upon receipt of the petition provided for by sections 14 and 15 hereof and upon being satisfied that the provisions of the Act have been substantially complied with the Minister shall by written order declare the municipality to be organized and assign to it a name and number. 1913 (2), c. 21, s. 3.

Date order
takes effect

18. Such order shall take effect only on, from and after the second Monday in December next following the date of such order. 1913 (2), c. 21, s. 3.

Municipal
committee

19. The Minister shall immediately after making out the order provided for in the preceding sections, appoint a committee consisting of five of the resident electors who signed the petition for organization to be known as the municipal committee. 1913 (1), c. 7, s. 2; 1913 (2), c. 21, s. 3.

Organization
of local
improvement
district into
rural
municipality

20. Any small local improvement district which has been organized for twelve months may become a rural municipality on the receipt of a petition praying for such organization; such petition to be signed by at least fifty per cent. of the number of voters who voted at the last election for councillors in the local improvement district:

Provided that such petition must be signed by at least six resident electors of each township within the area of the proposed municipality; provided, however, that in any township where there are only ten residents or less it shall only be necessary for the petition to be signed by one-fifth of the resident electors. 1913 (2), c. 21, s. 4.

(2) The petition shall be in such form as is prescribed by the Minister, and shall be certified as correct by the chairman and secretary-treasurer of the local improvement district so desiring to be organized as a rural municipality. Such petition may be divided into separate pages, every signature on each page shall be witnessed in writing by an elector of the district. 1913 (2), c. 21, s. 4.

(3) No action shall be taken by the Minister on any such petition received by him later than the 10th day of November in any year. 1913 (2), c. 21, s. 4.

(4) Upon receipt of the petition required by subsection (2) hereof, and upon being satisfied that the provisions of the Act have been substantially complied with, the Minister shall by written order declare the municipality to be organized, assign to it a name and number, divide the municipality into divisions and assign to each division a number. 1913 (2), c. 21, s. 4.

(5) Such order shall take effect only on, from and after the second Monday in December next following the date of such order. 1913 (2), c. 21, s. 4.

(6) Notice of such order shall be sent to the secretary-treasurer of the local improvement district. 1913 (2), c. 21, s. 4.

(7) In the case of any municipality declared to be organized as herein provided the council of the local improvement district shall have and exercise all the duties and powers of the municipal committee. 1913 (2), c. 21, s. 4.

21. Notwithstanding anything contained herein to the contrary, the Minister may by written order declare any portion of the province not within the boundaries of a city, town, or village, which has or has not been constituted a small local improvement district, a duly organized municipality and assign to it a name and number. Such order shall fix a date from which it is to take effect. Upon the making of such order the Minister shall appoint a committee consisting of five resident electors as the municipal committee. 1913 (1), c. 7, s. 5; 1914, c. 9, s. 3.

22 to 34 (*Repealed*—1913 (2), c. 21, s. 5.)

35. Notice of the organization of a municipality giving its name and number and a description of its boundaries shall be published in *The Alberta Gazette* and such notice shall be conclusive evidence of the organization of the municipality as of the date provided by the preceding sections and that all the necessary formalities required by this Act have been complied with. 1913 (2), c. 21, s. 6.

Notice of
organization

36 and 37 (*Repealed*—1913 (2), c. 21, s. 7.)

ALTERATIONS IN BOUNDARIES OF MUNICIPALITIES.

38. The Minister may by order, notice of which shall be published in *The Alberta Gazette*—

Alteration of
boundaries
of municip-
alities

1. Sever any portion of a municipality and annex the same to any adjoining municipality;

2. Annex to any municipality any outlying area hereafter adjacent to but not included within the limits of any municipality;

3. Alter and adjust the boundaries of two or more coterminous or adjacent municipalities;

4. Withdraw from any municipality any area hereafter established as a village under the provisions of *The Village Act*, being chapter 10 of the Statutes of Alberta, 1907, or any Act passed in amendment or substitution thereof;

5. Alter and adjust the boundary of the divisions of the municipality. 1913 (1), c. 7, s. 9.

39. In the event of the boundaries or area of any municipality being altered or changed in any manner as provided in the next preceding section the Minister shall subject to the approval of the Lieutenant Governor in Council have power to make due provision for the settlement and adjustment of all matters arising out of such alteration or change including the disposition of the assets and liabilities of the municipalities affected and every decision of the Minister approved as aforesaid with respect to any such settlement and adjustment shall be final and binding on all parties concerned.

Adjustment
of matters
in case of
change of
boundaries

MISDESCRIPTION AND ERRORS IN DEFINING BOUNDARIES.

Errors in
boundaries

40. No order purporting to be made under sections 34 or 38 of this Act shall be deemed invalid on account of any noncompliance with any of the provisions of said Act as preliminary to such order; and no misnomer, misdescription or omission in any such order shall in any manner suspend or impair the operation of this Act with respect to the matter misnamed, misdescribed or omitted.

Correction
of errors

41. Any misnomer, misdescription, omission, or other error in any order made by the Minister under the provisions of this Act may by any subsequent order be corrected and confirmed by the Minister as of the date of the original order.

BOUNDARY LINES OF MUNICIPALITIES.

Boundary
lines

42. For the purposes of this Act whenever any municipality is wholly or in part described as comprising certain townships, parts of townships or sections in accordance with the system of Dominion lands survey the boundary lines of such municipality except as varied by the description given in the notice required by section 35 hereof shall be the posted side of the road allowance between adjoining sections or townships except in the case of correction lines where the south side of the road allowance shall be the boundary.

(2) Any road allowance between an Indian reserve and a municipality shall be deemed to be in the municipality notwithstanding anything herein to the contrary.

DISORGANIZATION OF MUNICIPALITY.

Disorgan-
ization

43. The Lieutenant Governor in Council may by order, notice of which shall be published in *The Alberta Gazette*, declare that on and after a day therein to be named any municipality shall be disorganized and thereupon the same and the council thereof shall cease to exercise any of the rights, powers or privileges vested in such corporations by this Act; and upon any such disorganization of a municipality the Minister may appoint one or more persons to adjust and settle the assets and liabilities of such municipality; and such person or persons so appointed shall have, subject to the approval of the Minister, full power and authority to sell, dispose of and convert into money all the assets and property of such municipality and apply the same so far as the same will extend, first in payment of the liabilities of the said municipality and second in payment of his or their remuneration as hereinafter mentioned; and the surplus, if any, the Minister shall cause to be expended within the area of the municipality disorganized; and in case the amount so realized shall be insufficient to pay and satisfy the liabilities of the said municipality and his or their remuneration then such person or persons shall have full power and authority to assess, levy, collect and enforce payment of such sum or sums of money as may be required to pay and satisfy such indebtedness or any balance thereof remaining unpaid and all expenses connected therewith including his or their remuneration which shall be fixed by the Minister in the same manner as a council and its officers are authorized to do by this Act.

HAMLETS.

44. If at the time of the organization of a municipality there is comprised within its limits any area of land which has been subdivided into building lots or as a townsite and a plan of which has been registered in the land titles office of the land registration district in which it is situated such area shall be known as a hamlet and it shall be under the control of the council of such municipality. Organization of hamlets

45. Subsequent to the organization of a municipality the registration of any plan as aforesaid shall at once create the area described in such plan a hamlet which shall be under the control of the council of the municipality in which it is situated. Organization of hamlet

46. The property in every hamlet shall be subject to assessment and taxation by the municipality in the manner hereafter provided and the council shall each year cause at least one-half of the amount of the taxes estimated to be collected within such hamlet for municipal purposes to be expended in public works within the hamlet, if requested so to do by a majority of the owners of lands therein as shown by the last revised assessment roll. Half amount collected in hamlet to be spent therein

PART II.

MUNICIPAL COUNCIL.

CONSTITUTION OF COUNCIL.

47. The council of every municipality shall consist of six councillors, such councillors shall be elected by the general vote of the resident electors of the municipality or one councillor shall be elected from each division according as the electors of the municipality have determined upon the organization of such municipality. 1913 (1), c. 7, s. 10. Constitution of council

48. The council of any municipality may at any time by by-law alter the manner in which councillors are elected in the municipality so as to provide for one councillor being elected from each division instead of by the general vote of the resident electors or to provide for election by the general vote of the resident electors instead of by divisions. Such by-law before coming into force shall be submitted to the resident electors of the municipality and shall receive the approval of two-thirds of the number of such resident electors voting thereon according to the procedure herein prescribed for voting on debenture by-laws: Council may be elected by divisions

Provided that the council of any municipality, which has passed such a by-law, may at any time after the expiration of two years from the date of the passing thereof by by-law passed in the same manner and approved by the same majority of resident electors, revert to the former method of election. 1913 (1), c. 7, s. 11.

(2) The provisions of this Act in regard to the election of councillors by a general vote of the resident electors of the municipality shall *mutatis mutandis* apply to the election of councillors from divisions as aforesaid and the Minister shall have power,

from time to time, to make such regulations, not inconsistent with such provisions as he may deem expedient for the conduct of such election. 1913 (2), c. 21, s. 8.

Term of
office

49. Every councillor shall hold office for one year.

OATHS OF OFFICE.

Form of
oath of
office

50. Every member of the council and every officer of the municipality shall before entering upon the duties of his office make and subscribe a declaration of office, to the following effect:

"I, A.B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office (*insert the name of the office*), to which I have been elected (*or appointed, as the case may be*) in this municipality, and that I have not received any payment or remuneration or promise thereof for the exercise of any partiality, abuse or undue execution of the said office, and that I have not by myself or partner either directly or indirectly any interest in any contract with or on behalf of the said municipality (*here insert if such is the case, except that arising out of the contract for the publication of an advertisement in [here insert name of newspaper] a public newspaper*), save and excepting that arising out of my office as (*naming the office*). So help me God."

Deposit of
form of oath

51. The person making such declaration shall before entering upon the duties of his office deposit the same in the office of the secretary:

Provided that in the case of the councillors first elected for any municipality the said declaration shall be handed to the reeve at the first meeting of the council to be afterwards deposited by him with the secretary of the municipality.

MUNICIPALITY A CORPORATION.

Municipality
a body
corporate

52. Every municipality is hereby declared a body corporate and the name of the body corporate shall be "The Rural Municipality of (*naming the same*), No."

CHANGE OF NAME.

Change of
name

53. The Minister may from time to time alter the name of any municipality upon the petition of a majority of the council and notice of such alteration shall be published in *The Alberta Gazette*; and in such case the seal theretofore used by such municipality shall continue to be the seal thereof until changed by the council.

Effect of
change

54. No change in the name of any municipality made in accordance with the provisions of the next preceding section shall affect any obligation, right, action or property incurred, established, done or acquired prior to such change.

MEETINGS OF COUNCIL.

First meeting
of council

55. The first meeting of each council shall be held at a place to be fixed by the returning officer appointed to have charge of

the election at which such council was elected, at the hour of two o'clock in the afternoon on the first Monday in January, except when that day is a public holiday, in which case such meeting shall be held at the same time on the next subsequent day which is not a public holiday; such returning officer shall give written notice of such meeting to each councillor by mailing the same to his address at least eight clear days prior to the date of such meeting or by personally delivering the same to each councillor, or in the absence from his residence of any such councillor to any adult person thereat, at least three clear days prior to the date of such meeting.

(2) The council of the previous year shall hold office until ^{Proviso} the new council meets; provided, however, that the first council of any municipality shall hold office from the date of the election; excepting when the municipality shall have been a small local improvement district. 1913 (2), c. 21, s. 9.

56. The council may at any meetings at which all the members ^{Regular meeting} of the council are present decide by resolution to hold regular meetings of the council and such resolution shall state the day, hour and place of every such meeting and no notice of any such meeting shall be necessary.

57. A special meeting of the council shall be called by the ^{Special meetings} secretary of the municipality when he is required so to do in writing by the reeve or by any three members of the council and written notice of every such special meeting stating the time and place when and where it is to be held and in general terms the nature of the business to be transacted thereat shall be given by the secretary in the manner provided by section 55 hereof.

(2) No business other than that stated in the said notice shall be transacted at any special meeting of the council unless all the members of the council are present in which case by unanimous consent any other business may be transacted.

58. The council may by unanimous consent waive notice of ^{Waiver of notice of meeting} any first, special or other meeting and hold a meeting at any time but every member of the council must be present at such meeting.

59. Every meeting of the council shall be held either in the ^{Place of meeting} municipality or in a city, town or village the area of which lies within or touches at some point the limits of the municipality:

Provided that by the unanimous consent of the council its meetings may be held at any other point outside the limits of the municipality.

PROCEEDINGS AT MEETINGS.

60. Every council may make rules and regulations for calling ^{Regulations and by-laws for government of proceedings} meetings, governing its proceedings, the conduct of its members, appointing committees and generally for the transaction of its business provided that no such rule or regulation be contrary to law or the provisions of this Act.

Quorum

61. A majority of the whole council shall be necessary to form a quorum and no business shall be transacted unless there be a quorum present.

Election of reeve

62. The council shall at its first meeting elect from among its number a chairman, who shall be known as the reeve, who shall hold such office until the expiration of the term for which he has been elected as councillor.

Reeve to preside

(2) The reeve or in his absence the deputy reeve shall preside at every meeting of the council and shall preserve order and enforce the rules of the council.

Deputy reeve

63. The council shall at its first meeting and every six months thereafter elect one of their number as deputy reeve who shall hold office for six months or until his successor be appointed and in case the reeve through illness, absence or other cause is unable to perform the duties of his office or in case the office is vacant the deputy reeve shall have all the powers of the reeve.

Chairman to preside

64. In the absence of the reeve and deputy reeve from any meeting another member of the council shall be elected as chairman to preside at such meeting.

No act valid unless adopted at regular meeting

65. No act or other proceeding of any council shall be deemed valid or binding on any party which is not adopted at a regular or special meeting of the council at which a quorum is present.

Motions need not be seconded

66. Every question shall be submitted to the council on the motion of the reeve or any other member thereof and no seconder shall be required.

Question decided by majority

67. At every meeting of the council all questions shall be decided by the majority of the votes and the reeve, deputy reeve or chairman of the council, as the case may be, shall have the right to vote but in the case of an equality of votes the question shall be decided in the negative.

Members of council must vote

68. The reeve when present and all of the councillors present shall vote, unless excused by resolution of the council, on every division.

Meetings to be open

69. The council shall hold its ordinary meetings openly and no person shall be excluded except for improper conduct but the person presiding at any meeting may cause to be expelled and excluded any person who is guilty of improper conduct at such meeting.

REEVE.

Duties

70. The reeve shall be the chief executive officer of the municipality and it shall be his duty to be vigilant and active in causing the laws governing the municipality to be put in force and duly executed, to inspect the conduct of all municipal officers and so far as may be in his power to cause all negligence, carelessness and violation of duty to be duly prosecuted and punished and to communicate from time to time to the council all such information and to recommend such measures as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornamentation and prosperity of the municipality.

71. The reeve may suspend any municipal officer and he shall thereupon report such suspension and the reasons therefor to the council who may either dismiss or reinstate the suspended officer; and in case he is dismissed such officer shall receive no salary or remuneration from the date of such suspension. ^{Power of suspension}

72. The reeve may at any time and from time to time by writing under his hand appoint and engage one or more special constables within the municipality for such time not exceeding fifteen days as shall be stated in the appointment; but the authority of any such constable shall cease if his appointment be not confirmed at the next regular meeting of the council. ^{Appointment of special constables}

73. In each year the reeve shall by public notice conspicuously posted in at least ten widely separated places in the municipality call a meeting of the electors of the municipality for the discussion of municipal affairs to be held within two weeks preceding the date fixed for the nomination for councillors and if so requested at any time by the written petition of twenty electors the reeve shall in like manner call a public meeting of the electors to be held on a date to be named in the notice thereof for the discussion of municipal affairs or of any matter relating thereto. ^{Public meeting}

74. Every council may pass a resolution for paying the members thereof a sum not exceeding \$4 per diem for the reeve and \$3 per diem for each councillor for each meeting and ten cents for every mile necessarily travelled in coming to and returning from such meetings of the council: ^{Payment of council}

Provided that the total number of meetings for which each councillor may be paid during the year for which he is elected shall not exceed ten:

And provided further that in case any meeting of the council is held outside the limits of the municipality no member of the council shall be paid for the mileage travelled by him beyond the limits of the municipality.

(2) Every council may pass a resolution for paying the members thereof a sum not exceeding 10 cents per mile for every mile necessarily travelled, and a sum not exceeding \$3 per day for the time not exceeding 10 days in any one year necessarily occupied in laying out or inspecting work performed or to be performed for the benefit of the municipality; provided the work so performed or to be performed shall be duly authorized by a resolution of the council, excepting where such work is of an emergent nature, in which case the payment of the councillors' fees for laying out and inspecting such work shall be in the discretion of the council; provided further that a special report, setting forth the work performed by the members of the council, and the remuneration received therefor under the provisions of this section shall be prepared and submitted to the electors of the said municipality at the nomination meeting thereof and a copy of such report shall be mailed to the Minister:

Provided that the council of any municipality may in place of inspecting and laying out work themselves appoint a competent foreman or engineer to do this work under the powers given them by section 171 hereof. 1913 (2), c. 21, s. 10.

COMMITTEES.

Committee

75. The council may from time to time appoint standing or special committees consisting of one or more of its members and may delegate to such committees any matter for consideration, inquiry, management or regulation and may delegate to any such committee any of the duties and powers by this Act conferred and imposed upon the council except the power to borrow money, pass a by-law or enter into a contract.

(2) Every committee to whom any duty or power is delegated as aforesaid may exercise or perform the same in like manner and with the same effect as the council.

VACANCIES.

Resignation

76. Any reeve or councillor may resign his seat in the council at any time, or any reeve may resign his position as reeve while retaining his seat in the council, by sending notice in writing of such resignation to the secretary and every such notice shall be brought to the attention of the council at its next meeting and steps shall be taken immediately by the council to fill the vacancy.

Declaration of vacancy

77. If after the election of any person as a member of the council he is convicted of felony or becomes insolvent within the meaning of any Act in force in the province, or assigns his property for the benefit of his creditors, or, if not a British subject fails to become naturalized within the time prescribed by section 92 hereof, or if without being authorized by a resolution of the council so to do he absents himself from the meetings of such council for three consecutive months, his seat in the council shall forthwith become vacant.

Vacancy

78. If the position of reeve becomes vacant by death, resignation or otherwise the council shall forthwith elect some person from among its number to fill the position for the unexpired portion of the term of the council.

(2) If a seat in the council becomes vacant by death, resignation or otherwise the council shall forthwith appoint a returning officer to hold an election to fill the vacancy and such election shall be held as nearly as may be in the manner provided by this Act for other elections; but if such vacancy occurs after the first day of November such election shall not take place.

APPOINTED COUNCILLORS.

Minister may appoint councillor

79. If in any municipality the number of councillors required by this Act is for any reason not elected, the Minister may appoint some person or persons to fill the vacancies caused thereby.

Lieutenant Governor in Council may appoint whole council

80. The Lieutenant Governor in Council may at any time dismiss the whole council or any member or members thereof and appoint some person or persons to act as reeve, councillor or councillors for the municipality in the place and stead of the person or persons so dismissed, and every such person so appointed shall have all the powers and authorities conferred by this Act

on elected members of the council and shall be remunerated out of the funds of the municipality or otherwise as the Lieutenant Governor in Council may determine.

(2) Upon the appointment of any person or persons as aforesaid the person or persons, as the case may be, previously elected as members of the council and in whose stead such appointment or appointments were made shall cease to hold office.

PART III.

MUNICIPAL ELECTIONS.

FIRST ELECTION FOR COUNCILLORS.

81. In the case of every municipality declared by the Minister to be organized as of the second Monday of December, 1912, the municipal committee shall by resolution at least two weeks prior to the last Monday of November—

Nomination
meeting for
first election

- (a) Name a place for holding the nomination meeting;
- (b) Appoint a returning officer who shall be a resident elector of the municipality;
- (c) Divide the municipality into polling divisions and assign a number to each division and name a polling place therefor which shall not be a licensed hotel;
- (d) Appoint a deputy returning officer for each polling place.

82. In case a member or members of the municipal committee dies or leaves the municipality before the passing of the resolution provided for in the last preceding section or refuses or is unable to act the remaining member or members may appoint another resident elector or electors in the place of the member or members so dying or leaving the municipality or refusing or being unable to act; and such remaining member or members together with those so appointed shall thereafter be the municipal committee.

Appointments
to committee

83. Whenever it appears to him to be necessary or expedient the Minister may dismiss the whole municipal committee or any member thereof and may appoint some person or persons to act in their place and stead and such person or persons so appointed shall have all the powers and authority conferred by this Act upon members of the municipal committee.

Minister
may appoint
person to
supersede
committee

84. Until such time as a secretary is appointed the returning officer at the first election for councillors in a municipality shall have and exercise all the powers and duties of such secretary as prescribed by sections 149 to 155 inclusive hereof.

Returning
officer to be
secretary

THE MUNICIPAL VOTERS' LIST.

85. The council of every municipality shall as soon as may be in each year divide the municipality into polling divisions and fix the boundaries thereof, and the treasurer of every municipality shall on or before the first day of November in each

Voters' list

year prepare a list of all persons whose names appear on the last revised assessment roll of the municipality and such list shall be in the form following and shall be arranged according to the divisions aforesaid and shall be known as the "Municipal Voters' List";

Voters' List of the Rural Municipality of.....
No....., for the year 19.....

No. on List	Name of Voter	Description of Property					Owner or Occu- pant	Resident or Non- Resident	No. of Acres	No. of Acres As'sed	As'sed Value of Land	Taxes unpaid to Dec. 31st last but one preceding
		Pct. Sec.	Sec.	Tp.	Rge.	Mer.						

1914, c. 9, s. 4.

Particulars

86. In preparing the said list the treasurer shall enter in the appropriate column of the form prescribed the following particulars which shall be taken from the last revised assessment roll of the municipality:

1. The names of all persons assessed arranged alphabetically according to their surnames;
2. A brief description of the land or other property for which each such person is assessed;
3. The word "owner" or "occupant," as the case may be;
4. The word "resident" or "nonresident," as the case may be;
5. The number of acres for which each such person is assessed;
6. The assessed value of the land for which each such person is assessed;
7. The amount of taxes due by such person to the municipality up to the 31st day of December last but one preceding. 1914, C. 9, s. 5.

Treasurer's
certificate

87. When the said list has been prepared as provided in the next preceding two sections the treasurer shall immediately after the last name on the list for each polling division write the words "certified correct" followed by his signature and the date on which such certificate is made which date shall not be later than the first day of November as aforesaid.

Post copy
of list in
treasurer's
office

88. The treasurer shall then forthwith make a true and correct copy of the said list and post the same in his office and such copy or the original thereof shall be open to inspection by any person at all reasonable hours.

(a) The treasurer shall also forthwith after the completion of such certified voters' list as provided for by section 87 hereof send by prepaid registered mail to the secretary or secretary-treasurer of every school district wholly or in part included within the boundaries of the municipality of which he is treasurer a true and correct list of all persons appearing on such certified

voters' list who are assessed by the municipality for lands within such school district, and a description of the lands for which they are so assessed. 1913 (1), c. 7, s. 12.

89. Whenever through inadvertence or otherwise any mistake, error, wrongful entry or omission whatsoever has been made in the said original list or copy it shall be the duty of the treasurer upon being notified in writing by any person of such mistake, error, wrongful entry or omission to revise the said list accordingly; but no such revision shall be made except for the purpose of correcting the spelling of names unless the said notification is received by the treasurer at least seven clear days prior to the date fixed for the annual election in the municipality and unless the last revised assessment roll of the municipality when compared with the said list shows the latter to be inaccurate or incomplete in the manner complained of in the said notification. ^{Revision of list}

(2) It shall be the duty of the treasurer to revise the said original list and copy thereof from time to time by adding the word "paid" in the proper column after the name of every person who pays all taxes due by him to the municipality up to the thirty-first day of December last but one preceding, at any time prior to seven clear days before the date preceding the date fixed for the annual election in the municipality. 1914, c. 9, s. 6.

(3) Every revision of the said original list and the said copy by way of alteration, correction or addition shall have placed opposite it the date of such revision and the initials of the treasurer.

90. Any treasurer who refuses or neglects to prepare the said list as herein provided or who neglects or fails to enter on the said list the name of any person whose name appears on the last revised assessment roll of the municipality or who neglects or fails to enter in the said list any other particular as provided herein or who enters in the said list the name of any person that does not appear in the said roll or who refuses, fails or neglects to revise the said list in any particular as herein provided shall for each such refusal, neglect or failure be guilty of an offence and liable on summary conviction to a fine not exceeding \$50. ^{Penalty for treasurer}

(2) The provisions of this section shall apply to the preparation of any copy of the said list which by the provisions of this Act the treasurer is required to prepare.

ANNUAL ELECTION.

91. There shall be held every year in every municipality an election for councillors which election shall be conducted at the time and in the manner hereinafter provided. ^{Annual election}

QUALIFICATION OF COUNCILLORS.

92. The persons eligible for election as councillors shall be the male resident electors of the municipality who are of the full age of twenty-one years, who can read and write and are British subjects or have not resided long enough in Canada to comply with the conditions of qualification of residence to be naturalized, but who have made a statutory declaration of ^{Qualification of councillors}

their intention to become naturalized as British subjects:

Provided that if any person making such a declaration neglects or refuses to become naturalized as a British subject within one month after expiration of the time of residence in Canada required as a qualification for naturalization, his seat in the council shall forthwith become vacant.

The said declaration shall be in the following form:

CANDIDATE'S DECLARATION OF INTENTION.

Canada:
Province of Alberta } I,....., of.....
To wit: } in the Province of Alberta (*occupation*)
do hereby solemnly declare—

1. That I am not a British subject;

2. That I have not resided in Canada for a sufficient period of time to comply with the conditions of qualification of residence to be naturalized and that it is my intention to become naturalized as a British subject as soon as the conditions of qualification by residence permit me to do so;

3. That I am in all other respects than naturalization eligible and qualified for election as councillor of a rural municipality.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at.....
in the Province of Alberta, this }
... day of..... A.D. 19.... }

.....
A J.P., N.P., or Comr., etc.

Disquali-
fication

93. Any person who holds, enjoys, undertakes, or executes, directly or indirectly, alone or with any other, by himself or by the interposition of a trustee or third person, any contract or agreement with the council, or with any officer or employee thereof with respect to any service of the municipality or under which any money of the municipality is to be paid for any service, work, matter or thing, any person who is surety for any officer or employee of the municipality, and any person who has been convicted of a criminal offence punishable by imprisonment for more than two years, shall be ineligible for election as a member of the council or shall, being a member of the council, forfeit his seat therein; provided, however, that any such person shall not be deemed to be ineligible for election as a member of the council, or to forfeit his seat therein, as the case may be, by reason only of his being a shareholder or director in an incorporated company having any such contract or agreement as aforesaid, unless such contract or agreement is for the building, construction or repair of a public work of the municipality, nor by reason only of his being the proprietor or otherwise interested in a newspaper or other periodical publication in which from time to time advertisements of the municipality are inserted. 1914, c. 9, s. 7.

Shareholder
not dis-
qualified

94. Any member of the council holding, enjoying, undertaking, or executing any contract or agreement the holding, enjoying, undertaking or executing of which is declared by section 93 of

this Act to make the seat of such member liable to forfeiture, or any member of the council acting as surety for any officer or employee of the council, shall be guilty of an offence, and liable on summary conviction thereof before a justice of the peace to a penalty of not less than ten dollars and not more than one hundred dollars and costs. 1914, c. 9, s. 8.

MEETINGS FOR NOMINATION OF COUNCIL.

95. The council shall in all elections subsequent to the first election for councillors by resolution at least two weeks prior to the last Monday in November in each year— ^{Provision for election}

- (a) Name a place for holding the nomination meeting;
- (b) Appoint a returning officer who shall be a resident elector of the municipality;
- (c) Name a polling place for each of the polling divisions of the municipality established under the provisions of section 85 hereof; or for each of the divisions thereof, if divisions have been established in the municipality, under the provisions of this Act; 1913 (1), c. 7, s. 13.
- (d) Appoint a deputy returning officer for each polling place;
- (e) The council may also, if it deems advisable, authorize the returning officer or the deputy returning officer for any or all of such polling places to appoint a poll clerk to assist him in the discharge of his duties.

96. The place named for holding every nomination meeting shall be within the municipality or within a city, town or village the area of which is within or touches at some point the limits of the municipality. ^{Place of nomination}

97. The place named as a polling place for any division or polling division shall be within such division or polling division or within a city, town or village the area of which is within or touches at some point the limits of the division and shall not be a licensed hotel. 1913 (1), c. 7, s. 14. ^{Place of polling}

98. Every meeting called for the nomination of members of a council shall be held from two o'clock to four o'clock in the afternoon of the first Monday of December. ^{Hour of meeting}

ELECTION OFFICIALS' DECLARATION.

99. Every returning officer shall before entering upon the duties of his office take and subscribe before a justice of the peace or other person authorized to administer oaths the oath in the form following and every deputy returning officer, poll clerk, constable or other officer appointed to act at an election shall before entering upon their respective duties take and subscribe before the returning officer or any person authorized to administer oaths within the province the said oath: ^{Officials' declaration}

"FORM OF OATH.

"Canada
Province of Alberta } I,
To wit: } of in the Province of

Alberta, do swear that I will not at any time disclose to anyone the name of any person who has voted at the election to be held in the municipality of on the day of, A.D. 19....; and that I will not unlawfully attempt to ascertain the candidate or candidates for whom an elector has voted and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the person for whom an elector has voted. So help me God.

"Sworn before me at.....
in the Province of Alberta, this }
.....day of..... }
19.... }

A J.P., N. P., or Comr., etc."

Posting
notices

100. It shall be the duty of the returning officer at least seven clear days prior to the date fixed for the nomination meeting to post up a notice of such meeting which shall be in the form following or to the like effect:

"NOTICE FOR NOMINATION FOR ELECTIONS.

"Rural Municipality of.....No.....
Municipal Elections 19....

"Public notice is hereby given that a meeting of the resident electors of the rural municipality of.....
No.....will be held at (*description of place*) on (*day of week*)
the.....day of....., 19...., from
two o'clock to four o'clock in the afternoon for the purpose of
nominating candidates for the office of councillors for the municipality.

"Given under my hand at.....this
.....day of.....A.D. 19....

Returning Officer."

(2) Every such notice shall be posted in at least two widely separated conspicuous places in each polling division of the municipality and also in all post offices, if any, within the municipality.

PROCEEDINGS AT NOMINATION MEETING.

Nomination

101. At the time and place named in the notice the returning officer shall declare the meeting open for the purpose of receiving nominations of persons to serve as councillors for the municipality, and the meeting shall remain open until four o'clock in the afternoon, when if no more that the required number of persons are nominated for councillors the returning officer shall declare the persons so nominated duly elected as councillors.

102. Every nomination for councillor shall be in writing in the form following and shall be signed by at least five resident electors of the municipality, or in municipalities in which divisions have been established by at least two resident electors of the division. 1913 (1), c. 7, s. 15.

"NOMINATION PAPER.

"We, the undersigned resident electors of the rural municipality of or of division number of the rural municipality of hereby nominate (*name, residence and occupation of the person nominated*) as a candidate at the election now about to be held of councillors for the said municipality.

"Witness our hands this day of A.D. 19....

.....
.....
.....
.....
.....

(*Signature of resident electors*)."

103. Every such nomination to be valid shall also be accompanied by a written statement signed by the person nominated to the effect that he is eligible for election as provided by section 92 hereof, and that he will accept office if elected and such statement shall be in the following form:

"CANDIDATE'S ACCEPTANCE.

"I, the said nominated in the foregoing nomination, hereby state that I am eligible for election and that I will accept the office if elected.

"Signed in the presence of }
(*Name of Witness*) } (*Name of Candidate*)."

104. In the event of more than the required number of persons being nominated the returning officer shall declare that a poll will be held and shall name the time (which shall be on the same day of the week as the nomination but in the next week following) and the places where the votes are to be polled and also the time and place at which the result of the polling will be declared.

105. Any candidate nominated may withdraw at any time within forty-eight hours after the close of the nomination meeting by filing with the returning officer a declaration in writing to that effect signed in the presence of two witnesses or the returning officer.

106. If by reason of any such withdrawal or withdrawals there are not more than the required number of candidates for councillors remaining in nomination the polling shall not take place and the returning officer shall forthwith declare the persons nominated to be elected and shall post up in the manner provided by section 100 hereof a notice in the following form:

"NOTICE.

"Rural Municipality of.....

"Municipal Election.....

"Whereas.....nominated for the office of Councillor (*or* whereas.....nominated for an office of councillor for division No.....and.....nominated for the office of councillor for division No.....*etc.*) have withdrawn their candidatures, leaving.....the only candidates therefor (*or*, leaving.....the only candidate for division No....., and.....the only candidate for division No., *etc.*), I hereby give you notice that no voting will take place on the.....day of.....19...., (*date of polling*) (*here add, if necessary, in the following divisions of the municipality.*" 1913 (1), c. 7, s. 16.

TIME AND NOTICE OF POLL.

Hour of poll

107. Whenever a poll is required to be taken for the election of councillors it shall be held on the same day of the week as the nomination for the said election but in the next week following and every such poll shall be open from the hour of nine o'clock in the forenoon to five o'clock in the afternoon in each polling division of the municipality.

Notice of poll

108. Notice of every such poll required to be taken shall within seventy-two hours after the nomination be posted up by the returning officer in the manner provided by section 100 hereof and every such notice shall be in the form following:

"NOTICE OF POLL.

"Rural Municipality of.....No.....

"Municipal Elections, 19....

"Public Notice is hereby given that an election will be held for councillors for the municipality of.....or for a councillor for division No.....and division No.respectively for the year 19...., and the polling will take place on (*day of week*), the.....day of.....19...., from nine o'clock in the forenoon to five o'clock in the afternoon at (*specify polling places*) and that I will at (*describe the place*) on (*day of week*) the.....day of.....19...., at twelve o'clock noon sum up the votes and declare the result of the elections.

"Given under my hand at.....this.....day of....., 19....

1913 (1), c. 7, s. 17.

Returning Officer."

PREPARATIONS FOR POLL.

Poll clerk

109. If so authorized by the council the returning officer and each deputy returning officer may appoint a poll clerk who in the absence of the returning officer or deputy returning officer for any cause shall have all the powers of the said returning officer or deputy, as the case may be.

110. The returning officer shall procure for each polling ^{Ballot box} division of the municipality a suitable ballot box to be made of some dry durable material and each box shall be provided with a lock and key and shall be so constructed that the ballot papers can be deposited therein and cannot be withdrawn therefrom unless the box is unlocked.

111. The returning officer shall also cause to be printed or ^{Ballot papers} otherwise prepared a supply of ballot papers sufficient for the purposes of the election.

112. The ballot papers may be either printed or written or ^{Printed or written} partly printed and partly written.

113. The ballot paper for the election of councillors shall ^{Form for councillor} contain the names of the candidates duly nominated arranged alphabetically in the order of their surnames and shall be in the following form:

COUNCILLORS.	
Andrews, Harry	
Black, William	
Davies, Edward	
Foster, Henry	
Lee, Martin	
Murray, Alfred	
Smith, Frank	

(2) In rural municipalities in which divisions have been established, separate ballots in like form shall be prepared for each division. 1913 (1), c. 7, s. 18.

114. The secretary shall at least twenty days prior to every election furnish the returning officer with at least two copies of section 166 hereof for every polling division of the municipality, and it shall be the duty of the deputy returning officer for each division to post the same in conspicuous places at his polling booth and see that they are kept so posted up during the hours of polling.

115. At least twenty-four hours before the opening of the poll the returning officer shall deliver or cause to be delivered ^{Supplies for deputy returning officers} to every deputy returning officer the ballot papers which have been prepared for use in the polling division for which such deputy returning officer shall have been appointed to act and such other materials as are necessary to enable the electors to mark their ballot papers.

116. The returning officer shall before the opening of the poll cause to be prepared such number of printed directions for ^{Directions for voters}

the guidance of voters in voting as he may deem sufficient, and such directions shall be printed in conspicuous characters and may be according to the following form:

"DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

"The voter shall go into the compartment and with a pencil provided in the compartment place a cross (thus X) on the right hand side opposite the name of the candidate for whom he votes or at any other place within the division which contains the name of such candidate.

"The voter shall fold up his ballot paper so as to show the initials of the deputy returning officer on the back and immediately after leaving the compartment shall without showing the front of the paper to any person deliver such ballot so folded to the deputy returning officer and forthwith quit the polling place.

"If the voter inadvertently spoils his ballot paper he may return it to the deputy returning officer who will give him another ballot paper.

"If the voter votes for more or less candidates for any office than he is entitled to vote for his ballot paper will be void and will not be counted for any of the candidates for that office.

"If the voter places any mark on his ballot paper by which he may afterwards be identified or if his ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified it will be void and not counted.

"If the voter takes a ballot paper out of the polling place or deposits in the ballot box any other paper than the one given to him by the officer he will be liable on summary conviction to imprisonment for any term not exceeding six months with or without hard labour." 1913 (1), c. 7, s. 19.

PROCEEDINGS AT POLL.

Deputy
returning
officer

117. On the day fixed for the taking of a poll the deputy returning officer shall be present at the polling booth in his division at least fifteen minutes before the time fixed for opening the poll.

Voting
compartment

118. Every polling booth shall be furnished with a compartment (which may be arranged by hanging a screen) in which the voters can mark their ballots without being seen and it shall be the duty of the deputy returning officer to see that such compartment is provided.

Posting
directions

119. Every deputy returning officer shall before the opening of the poll cause to be posted on the outside of the entrance to the polling booth as well as in the compartment in the polling booth a copy of the directions referred to in section 116 hereof.

Secretary to
furnish copies
of voters' list

120. Except in the case of elections held prior to the completion of the municipal voters' list it shall be the duty of the secretary of the municipality to furnish to the returning officer for distribution to his deputies at least twenty-four hours before the opening of the poll such number of copies of the said list as the returning officer may require.

121. The returning officer shall also furnish to each deputy ^{Poll Book} returning officer a poll book in which shall be entered the record of the poll and such poll book shall be in the following form:

“POLL BOOK.

“For Polling Division No.....of the Rural Municipality of.....No.....

“Record of election held this.....day of....., 19...., for the election of (*state purpose of election*).

Name of Voter	His No. on the Voters' List	Voted	Sworn or Refused to Swear	Remarks

122. Any person producing to the deputy returning officer a written authority from a candidate to represent him as his ^{Agents} agent at the polling place shall be recognized as such by the deputy returning officer but not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the voting or counting of votes.

123. The persons entitled to be present at any one time in any polling booth during the hours of polling shall be the return- ^{Persons present in polling booth} ing officer, deputy returning officer, the poll clerk and any of the candidates for councillors and not more than two agents of any such candidate and one voter.

124. At the time fixed for the opening of the poll the deputy ^{Proceedings at opening of poll} returning officer shall declare the poll open and announce that he is prepared to receive votes for the candidates nominated; and shall immediately after the opening of the poll show the ballot box to such persons as are present in the polling booth so that they may see that it is empty. He shall then lock the box and place his seal upon it in such manner as to prevent it being opened without breaking the seal, and he shall then place the box in his view for the receipt of ballot papers and shall keep it so in his view and locked and sealed during the hours of polling.

125. The persons entitled to vote for councillors shall be the resident electors of the municipality, subject to the provisions of section 339 in regard to persons jointly owning or occupying land; provided, however, that any elector otherwise qualified, residing in a village, town or municipality adjoining the said municipality at some point or in a village, or town within the said municipality, who has during the current year actually cultivated eighty acres of the land owned by him in the municipality shall be entitled to vote. 1913 (1), c. 7, s. 20; 1913 (2), c. 21, s. 11; 1914, c. 9, s. 9. ^{Persons entitled to vote}

One vote
for councillor

126. At every general election every resident elector shall be required to vote for the number of councillors to be elected, if divisions have not been established in the municipality, and shall be entitled to vote only once for a councillor for his division, if divisions have been established. 1913 (1), c. 7, s. 21.

(2) At every special election of the council each person whose name appears on the voters' list shall be entitled to vote once. 1913 (1), c. 7, s. 21.

(3) If any person votes for more or less than the total number of councillors to be elected, his ballot shall be void and not counted. 1913 (1), c. 7, s. 21.

Vote prior
to first
voters' list

DECLARATION OF RESIDENT ELECTORS.

127. At every election held prior to the completion of the first municipal voters' list every person who presents himself for the purpose of voting shall be required before he is handed a ballot paper or papers to sign a declaration in the form following and the deputy returning officer shall permit every person who signs the said declaration to vote and shall record in the poll book the name of each person who signs such declaration:

Taken this.....day of.....19....

The undersigned severally declare each for himself:

1. That he is of the full age of twenty-one years;
2. That he is actually residing in the rural municipality ofNo.....and that he has so resided therein for the two months immediately prior to this election;
3. That during the whole of the said two months he has been the owner or occupant of assessable land in this polling division, being division No.....of the said municipality, a description of which lands is set opposite his name.

Name	Land Voted on

(2) At such election each person signing the said declaration shall be entitled to vote once only for not more than the number of councillors to be elected.

(3) Any voter who is unable to write may sign the declaration by making his mark thereon in the presence of the deputy returning officer who shall initial the same.

(4) Any person subscribing to the declaration as aforesaid and who thereby makes any false statement shall, unless he can prove he did not know such statement to be false, be guilty of an offence and liable on summary conviction to a penalty not exceeding \$20.

Voter's
name must
be on voters'
list

128. At every election held subsequently to the completion of the first municipal voters' list the deputy returning officer shall satisfy himself that the name of every person who presents himself for the purpose of voting or a name apparently intended for such person is on the municipal voters' list supplied to him

by the returning officer and that all taxes due by such person to the municipality up to the thirty-first day of December last but one preceding have been paid, and the deputy returning officer or poll clerk shall record in the poll book the name of each such person. 1915, c. 16, s. 1.

(2) The deputy returning officer shall not permit to vote any person whose name does not appear on the said list nor any person whose name does appear on the said list unless all taxes due by such person to the municipality up to the thirty-first day of December last but one preceding are shown by the said list to have been paid or unless such person produces to the deputy returning officer an official receipt from the treasurer of the municipality to the effect that all taxes due by such person to the municipality up to the thirty-first day of December last preceding have been paid. 1915, c. 16, s. 1. Voters must
pay taxes

129. Before a ballot paper is handed by the deputy returning officer to any person presenting himself to vote, any candidate or his agent shall have the right to object to such person voting and if there be any such objection it shall be the duty of the deputy returning officer to administer to such person the following oath: Swearing
voter on
demand of
agent

"You swear (or solemnly affirm) that you are the person named (or intended to be named) by the name of in the municipal voters' list now shown to you (*showing the list to the voter*); that you are of the full age of twenty-one years; that you are actually residing within the municipality; or if not actually residing therein or residing in a village, town, or municipality adjoining this municipality at some point, or in a village or town, within this municipality, and have during the current year actually cultivated eighty acres of the land owned by you in the municipality; that you have not voted before in any polling division of this municipality at this election; that you have not directly or indirectly received any reward or gift nor do expect to receive any for the vote which you tender at this election; that you have not received anything nor has anything been promised you either directly or indirectly either to induce you to vote at this election or for loss of time, travelling expenses, hire of teams or any other service connected with this election; that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help you God." 1914, c. 9, s. 10.

130. If the voter takes the said oath or affirmation the deputy returning officer or poll clerk shall enter opposite such person's name in the proper column of the poll book the word "sworn" or "affirmed" according to the fact. Entry of oath
voter to be
on poll book

131. Whenever a voter is required to take the said oath or affirmation and he refuses to do so the deputy returning officer or poll clerk shall enter opposite the name of such person in the proper column of the poll book the words "refused to swear or affirm" and such person shall not be allowed to vote but shall be required to immediately leave the polling booth and shall not be allowed to again enter the same on the day of election for any purpose whatever. Refusal of
voter to be
sworn

Deputy
returning
officer to
initial ballot
paper

132. When the proper entries respecting a person who presents himself to vote have been made in the poll book in the manner hereinbefore provided the deputy returning officer shall place his initials on the back of the ballot paper to which such person is entitled and hand the same to him.

Explanation
of method
of voting

133. The deputy returning officer may and upon request shall either personally or through his poll clerk explain to the voter as concisely as possible the proper method of voting.

Incapacity
of voter

134. If a person claiming to be entitled to vote is incapacitated by blindness or other physical cause from marking his ballot paper or if he makes a declaration that he is unable to read the deputy returning officer shall in plain view of the agents of the candidates cause the vote of such person to be marked on a ballot paper for the candidate or candidates directed by such person and shall cause the ballot paper to be deposited in the ballot box.

(2) The declaration aforesaid may be in the following form:

"I, A.B., of, being named
on the voters' list for the municipality of
and being a duly qualified resident elector of the said municipality,
hereby declare that I am unable to read.

A.B., (His X mark).

Dated this day of, 19 . . ."

(3) The deputy returning officer shall attest the said declaration in the following form:

"I, C.D., the undersigned, being the deputy returning officer for division No. in the rural municipality of do hereby certify that the above declaration having first been read to the above named A.B. was signed by him in my presence with his mark.

(Signed) C.D.,

Returning Officer.

Dated this day of, 19 . . ."

Penalty for
omission to
initial ballot
paper

135. Every deputy returning officer who refuses or wilfully omits to sign his initials upon the back of any ballot paper as provided for by section 132 hereof shall forfeit to any person aggrieved by such refusal or omission the sum of \$100 in respect of every ballot paper deposited in the ballot box at his polling place upon which the said returning officer has not signed his initials as aforesaid.

Where to
vote

136. When the name of any resident elector appears on the municipal voters' list for more than one polling division of the municipality he shall vote in that polling division of the municipality in which he actually resides.

Penalty for
double vote

137. Any person who votes oftener than he is entitled to do under the provisions of this Act shall be liable on summary conviction to a penalty of \$50.

Evidence of
voting

138. The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted.

139. Upon receiving the ballot paper prepared as aforesaid ^{Method of voting} the voter shall forthwith proceed into the compartment provided for the purpose and shall then and there mark his ballot paper in the manner mentioned in the directions contained in section 116 hereof by placing a cross (thus X) on the right hand side opposite the name of any candidate for whom he desires to vote or at any place within the division which contains the name of the candidate; he shall then fold the ballot paper so as to conceal the names of the candidates and the mark upon the face of the paper and so as to expose the initials of the deputy returning officer and immediately after leaving the compartment shall without showing the front to anyone or so displaying the ballot paper as to make known to any person the name of the candidates for whom he has or has not marked his ballot paper, deliver the ballot paper so folded to the deputy returning officer who shall without unfolding the same or in any way disclosing the names of the candidates or the marks made by the voter upon the ballot paper verify his own initials and at once deposit the paper in the ballot box in the presence of all persons entitled to be present and then being present in the polling place, and the voter forthwith shall leave the polling place.

(2) Immediately after the ballot paper of a voter has been deposited in the ballot box as provided by subsection (1) of this section the deputy returning officer or poll clerk shall enter in the poll book in the proper column after the voter's name the word "voted."

140. While a voter is in a voting compartment for the purpose ^{Secrecy of vote} of marking his ballot paper no person shall be allowed to enter the compartment or to be in any position from which he can observe the mode in which the voter marks his ballot paper.

141. No person who has received a ballot paper from the ^{Forfeiture of right to vote} deputy returning officer shall take the same out of the polling place; and any person having so received a ballot paper who leaves the polling place without first delivering the same to the said officer in the manner prescribed shall thereby forfeit his right to vote; and the said officer shall make an entry in the poll book in the column for remarks to the effect that such person received a ballot paper but took the same out of the polling place or returned the same declining to vote, as the case may be; and in the latter case the said officer shall immediately write the word "refused" upon such ballot paper and shall preserve the same.

142. A person claiming to be entitled to vote who has ^{Voter may obtain second ballot paper} inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may on delivering same to the deputy returning officer receive another ballot paper in the place of the ballot paper so delivered up; and the said officer shall immediately write the word "cancelled" upon the ballot paper so delivered to him; and he shall preserve the same.

PROCEEDINGS AT CLOSE OF POLL.

143. Promptly at the hour of five o'clock the deputy ^{Close of poll} returning officer shall declare the poll closed:

Provided that if when the poll is so closed there is a voter in the polling booth who desires to vote he shall be permitted to do so but no other voter shall be allowed to enter the polling booth for this purpose.

Opening
ballot box

144. Immediately after the close of the poll the deputy returning officer shall in the presence of the poll clerk, if any, and of such of the candidates or their agents as may then be present open the ballot box and proceed as follows:

Counting
votes

1. He shall examine the ballot papers individually and any ballot paper which is not initialled as herein provided or on which more than one vote is given or on which anything is written or marked by which the voter can be identified or which has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified shall not be counted but shall be set aside as rejected;

Objections
to be noted

2. The deputy returning officer shall take notice of any objection made by a candidate or his agent or any elector authorized to be present to any ballot paper found in the ballot box and shall decide any question arising out of the objection;

Count

3. The deputy returning officer shall then count the votes given for each candidate upon the ballot papers not rejected as aforesaid and shall enter in the poll book a statement in words as well as in figures of the number of votes given for each candidate and of the number of ballot papers rejected and not counted by him which statement shall be made under the following heads:

- (a) The number of the polling division and the name and number of the municipality and date of election;
- (b) The number of persons who voted at the polling booth;
- (c) The number of votes for each candidate for councillor;
- (d) The number of ballot papers supplied to the deputy returning officer;
- (e) The number of rejected ballot papers;
- (f) The number of cancelled ballot papers and ballot papers marked "refused";

Signed
statement

4. Upon completion of the statement the deputy returning officer shall make, separate from the poll book, a duplicate thereof and such statement and duplicate shall be signed by the deputy returning officer, the poll clerk, if any, and such of the candidates or their agents as are present and desire to sign the same;

Certificate
to count

5. Every deputy returning officer upon being requested so to do shall deliver to each of the persons authorized to attend at his polling place a certificate of the number of votes given at that polling place for each candidate and of the number of rejected ballot papers;

Sealing
packets of
ballot
papers

6. The deputy returning officer shall then in the presence of the candidates or their agents or such of them as may be present make up into separate packets which shall be sealed and marked upon the outside with a short statement of their contents—

- (a) The ballot papers counted for councillors;
- (b) The ballot papers rejected for councillors;
- (c) The unused, cancelled and refused ballot papers;

Statement
of deputy
returning
officer

7. Before leaving the polling booth the deputy returning officer shall enter in the poll book the following statement which shall be signed by him in the presence of the poll clerk, if any, or some other witness:

"I,....., the deputy returning officer for Polling Division No.....of the Rural Municipality ofNo.....do hereby declare that to the best of my knowledge and belief I have conducted the election held by me on this date in the manner provided by law and that the entries required by law to be made in the poll book have been correctly made.

Dated this.....day of....., 19....
Witness:.....

Deputy Returning Officer."

8. The deputy returning officer shall then place in the ballot box all the said packets, the poll book, the municipal voters' lists and all declarations, and said box shall be locked and sealed with his seal and with the seals of such candidates or agents of candidates as desire to affix their seal. Sealing ballot box

145. The deputy returning officer of each polling division shall forthwith deliver to the returning officer the sealed ballot box and the duplicate of the statement entered in the poll book and upon receipt of the same the returning officer shall give to such deputy a receipt therefor. Delivery to returning officer

146. At twelve o'clock noon on the day and at the place previously appointed by him for the purpose the returning officer shall in the presence of such of the candidates or their agents as may be present break the seal of and open the ballot box received from each deputy returning officer and take the same proceedings as are by section 144 hereof required to be taken by a deputy returning officer and shall make and initial all necessary corrections in the statement entered in the poll book. Returning officer to count and sum up ballot

(2) If the ballot box used in any division has been lost or destroyed the returning officer shall use the duplicate statement delivered to him by the deputy returning officer for such polling division and allow the candidates named therein the number of votes respectively shown thereby as given for such candidates. Ballot box lost or destroyed

(3) When the ballot papers have all been examined and counted the returning officer shall forthwith sum up and announce the number of votes he has allowed for each candidate, including any votes he has allowed under subsection (2) of this section and shall publicly declare to be elected the required number of candidates for councillor, having the highest number of votes. Declaration of election

147. If it appears upon the casting up of the votes as aforesaid that two or more candidates for any office have an equal number of votes the returning officer shall at the time he declares the result of the poll give a casting vote so as to decide the election. Returning officer's casting vote

148. Except in such case no returning officer shall vote at any election. And no other

149. Forthwith after the election the returning officer shall transmit to the secretary of the municipality the sealed ballot boxes and duplicate statements used in the election and thereafter the said secretary shall be responsible for their safe keeping and for their delivery when needed. Transmission of ballot boxes, etc., to secretary

Destruction
of ballots

150. The secretary of the municipality shall unless otherwise ordered by the judge of the District Court of the judicial district within which the municipality is wholly or partly situated retain for two months the said ballot boxes with their seals unbroken and shall then unless otherwise ordered as aforesaid cause the ballot boxes to be opened and the packets therein to be burned in the presence of two witnesses.

Inspection

151. No person shall be allowed to inspect any ballot papers in the custody of the secretary of a municipality except under order of the judge of the District Court of the judicial district within which the municipality is wholly or partly situated to be granted by the said judge upon satisfactory evidence on oath that the inspection or production of the ballot papers is required for the purpose of maintaining a prosecution for an offence in relation thereto or for the purpose of taking proceedings under *The Controverted Municipal Elections Act* to contest an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the said secretary.

Order for

152. The order shall state the time and place for inspecting such papers and shall name the persons to be present at such inspection and shall be made subject to such conditions as the judge of such District Court thinks expedient.

RECOUNT.

Recount

153. If at any time within five days from the time of the returning officer's declaration as aforesaid it is on the affidavit of a credible person made to appear to such returning officer that he or any deputy returning officer or other officer in counting the votes given at any election has improperly counted or rejected any ballot papers and that such action has materially affected the result of such election and the sum of \$50 as security for the payment of costs and expenses is deposited with such returning officer, such returning officer shall forthwith forward such affidavit and deposit to the clerk of the District Court of the judicial district within which the municipality is wholly or mainly situated who shall forthwith notify the judge of such court; the judge shall thereupon appoint a time to recount the votes and cause notice in writing to be given to the candidate or candidates whose seat may be affected of the time and place at which he will proceed to recount the same and to the secretary of the municipality whose duty it shall be to be present at the recount with the sealed ballot boxes and duplicate statements used at the election.

(2) The said deposit of \$50 shall not be paid out by the clerk without the order of the said judge.

Attendance
of clerk
with papers

154. The judge, the clerk of the court, the secretary of the municipality and each candidate notified to attend the recount of votes and his agent or solicitor and representatives of the press and no other person except with the sanction of the judge shall be entitled to be present at the recount of votes.

Mode of
counting

155. At the time and place appointed and in the presence of those notified or entitled to attend as provided by the next preceding section the judge shall proceed to recount all the ballot papers received by the deputy returning officers of the several

polling divisions of the municipality as having been given in the election complained of and he shall proceed with such recount as follows:

1. The judge shall break the seals on one of the ballot boxes containing the votes to be counted and take from such ballot box the packets deposited therein;

2. He shall then examine singly and in the presence of those entitled to be present all ballots counted or rejected by the returning officer and during the course of such examination the judge shall keep a tally or count of the votes cast for each candidate and he shall reject as void and shall not count—

- (a) Any ballot paper which is not initialled by the deputy returning officer as hereinbefore provided;
- (b) Any ballot paper on which more votes are given than the voter is entitled to give;
- (c) Any ballot paper on which anything except the initials of the deputy returning officer on the back is written or marked by which the voter can be identified;
- (d) Any ballot paper which has been torn, defaced, or otherwise dealt with by the voter so that he can thereby be identified;

3. In case the ballot box used in any polling division has been lost or destroyed the judge shall use the duplicate statement for such division and allow the candidates named therein the number of votes respectively shown thereby as given for such candidates;

4. The judge shall take notice of any objection made by a candidate or his agent to any ballot paper and shall decide any question arising out of the objection and the decision of the judge shall be final;

5. Upon the completion of the examination and count of the ballot papers contained in the first ballot box opened the judge shall forthwith announce the result of the count and replace the ballot papers in the box which shall be locked and sealed by the secretary in the presence of the judge;

6. The judge shall then proceed, if the recount applied for is of such nature as to make it necessary, to examine and count in a similar manner the ballot papers contained in each of the other ballot boxes in turn;

7. When the ballot papers have all been so examined and counted the judge shall forthwith sum up and announce the number of votes which he has allowed for each candidate including any votes allowed under clause 3 of this section and he shall there and then declare elected the candidates having the highest number of votes;

8. In case any two or more candidates have been allowed by the judge the same number of votes, and if there are not sufficient vacancies in the council to permit of all such candidates being declared elected, he shall write the names of such candidates separately on blank pieces of paper and after folding the same in such a way that the names shall be concealed deposit them in a receptacle and direct the clerk of the court or some other person to withdraw one of the said papers, and the candidate whose name appears on the paper thus withdrawn shall by the judge be declared elected, and the judge may cause as many names to be thus withdrawn as are required to fill all the vacancies;

9. The judge shall then make and transmit forthwith to the secretary of the municipality a written statement of the result of the recount and every written statement shall show—

- (a) The names of the candidates;
- (b) The number of votes allowed for each candidate;
- (c) The number of ballot papers rejected;
- (d) The names of the candidates declared elected.

Quo warranto
proceedings

156. Nothing in the next preceding section contained shall prevent or affect any remedy which any person may have under the provisions of any Act by proceedings in the nature of *quo warranto* or otherwise.

Costs

157. All costs, charges and expenses of and incidental to an application for a recount and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the judge may determine regard being had to costs, charges or expenses which in the opinion of the judge have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the applicant or the respondent.

Scale of
costs

(2) The costs shall be on the District Court scale and may if the judge so orders be taxed in the same manner and according to the same principles as costs are taxed between solicitor and client.

Enforcement
of payment
of costs

158. The payment of any costs ordered by the judge to be paid may be enforced by execution to be issued upon filing the order of the judge and a certificate showing the amount at which costs were taxed and an affidavit of the nonpayment thereof.

Equal portions
of municipality
in two or
more judicial
districts

159. If portions of the municipality are situated within more than two judicial districts, the judge of the District Court of any such judicial district shall have jurisdiction under the provisions of sections 150 to 158 hereof, inclusive.

GENERAL PROVISIONS.

Secrecy
of votes

160. No person who has voted at an election shall in any legal proceedings to question the election or returns or otherwise relating thereto be required to state for whom he has voted.

Candidate
acting on
his own
behalf

161. A candidate may himself undertake the duties which any agent of his might have undertaken or he may assist his agent in the performance of such duties and may be present at any place at which his agent is by this Act authorized to attend; provided however that no candidate shall be present at the marking of the ballot of any voter under the provisions of section 134 hereof.

Candidates
and agents

162. When in this Act expressions are used requiring or authorizing any act or thing to be done or implying that any act or thing be done in the presence of such agents as are authorized to attend and as have in fact attended at the time and place where such act or thing is done the nonattendance of any agent at such time and place shall not invalidate it.

163. No election shall be declared invalid by reason of a ^{Errors not affecting results} noncompliance with the provisions of this Act as to the holding of the polls or the counting of the votes or by reason of any mistake in the use of any of the forms contained in this Act or by reason of any other irregularity if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act and that such noncompliance, mistake or irregularity did not affect the result of the election.

164. All reasonable and necessary expenses incurred for ^{Payments of election expenses} an election under this Act shall be paid out of the funds of the municipality upon the production of proper accounts verified in such manner as the council may direct.

165. All proceedings for contesting in any way an election ^{Controverted Municipal Elections Act} or the voting on any by-law under this Act shall be taken under the provisions of *The Controverted Municipal Elections Act*.

OFFENCES AND PENALTIES.

166. No person shall—

- (a) Without due authority supply any ballot paper to any person; or
- (b) Fraudulently put into a ballot box any paper other than the ballot paper which he is authorized by law to put in; or
- (c) Fraudulently take out of the polling place any ballot paper; or
- (d) Without due authority, destroy, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purpose of election; or
- (e) Apply for a ballot paper in the name of some other person whether that name is that of a person living or dead or of a fictitious person or advise or abet, counsel or procure any other person to so do; but this provision shall not be construed as including a person who applies for a ballot paper believing he is the person intended by the name entered on the voters' list in respect of which he so applies; or
- (f) Having once voted and not being entitled to vote again at the same election apply for a ballot paper in his own name or advise or abet, counsel or procure any other person so to do.

(2) No person shall attempt to commit any offence specified in this section.

(3) A person who violates any of the provisions of this section shall be liable on summary conviction before a police magistrate or two justices of the peace if he is the returning officer or deputy returning officer to imprisonment for any term not exceeding two years with or without hard labour and if he is any other person to imprisonment not exceeding six months with or without hard labour, or to a fine not exceeding \$500 or to both.

167. Every returning officer, deputy returning officer or ^{Penalties} poll clerk who is guilty of any wilful misfeasance or any wilful

act or omission in contravention of sections 99 to 168 inclusive hereof shall in addition to any other penalty or liability to which he may be subject forfeit to any person aggrieved by such misfeasance, act or omission a penal sum of \$200.

Duties of
election
officers

168. Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk, agent or other person shall interfere with or attempt to interfere with a voter when marking his ballot paper or shall otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk, and agent in attendance at the counting of votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information at such counting obtained as to the candidate or candidates for whom any vote is given.

(5) No person shall directly or indirectly induce a voter to display his ballot paper after he has marked the same so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot paper.

(6) Every person who violates any of the provisions of this section shall be liable on summary conviction to imprisonment for any term not exceeding six months with or without hard labour.

Penalty for
displaying
ballot

169. Every voter who displays his ballot paper after he has marked the same so as to make known to any person the name of any candidate or candidates for whom he has or has not marked his ballot paper shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty-five dollars.

PART IV.

MUNICIPAL OFFICIALS.

APPOINTMENT.

Officials

170. Every council shall at its first meeting or so soon thereafter as practicable by by-law or resolution appoint the following officers:

(a) A secretary and a treasurer or a secretary-treasurer who shall be entrusted with all the powers and charged with all duties conferred or imposed upon the secretary and the treasurer under the provisions of this Act;

(b) An assessor who may be the secretary, the treasurer or the secretary-treasurer.

(2) Every municipal official shall have his office within the limits of the municipality or in some city, town or village which is within or touches at some point the limit of such municipality.

171. Every council may also appoint from time to time such other officers, servants or employees as it deems necessary or expedient to appoint for the purpose of carrying into effect the provisions of this Act or any by-law of the municipality and may fix the remuneration of any such officers, servants or employees so appointed.

Appointment
of officers

172. The councillor shall not be eligible to be appointed to any municipal office.

Councillor
not eligible
for office

173. The council shall not make any appointment to any office or arrangement for the discharge of the duties thereof by tender or by application at the lowest remuneration.

Appointment
not to be by
tender

174. All officers appointed by the council shall hold office until removed by the council or as expressed in their appointment; and in addition to the duties assigned to them by this Act or by any general law of the province shall perform such other duties as may be required of them by the council.

Tenure of
office

SECURITY.

175. In addition to defining the duties of any officer the council may require him to give such security as it may deem expedient for the faithful performance of his duties and during the month of January in each year all such securities shall be produced to the reeve and shall be laid by him before the council for examination and approval.

Security for
faithful
performance
of duties

176. The treasurer of every municipality shall within one month after entering upon his duties furnish to the municipality security in a penal sum to be named by the council by a bond or policy of guarantee of any corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust; and such security shall be renewed at the beginning of each year or changed at other times whenever renewal or change is required by the council.

Security for
faithful
accounting

(2) The members of any council failing to take such security or renew same shall be jointly and severally liable for any default of the treasurer to the extent of the sums for which such bond should have been taken:

Provided that when the majority of the council refuse or neglect to take such security on the demand of any councillor such demand being duly recorded in the minutes such councillor shall be relieved from all personal liability in case of the default of such officer.

(3) Such bond shall be in a form approved by the Minister.

177. Every officer, servant or agent of the municipality shall be personally liable for any damage arising from his acts or defaults or from his refusal or neglect to discharge any of the duties imposed upon him by law or by this Act or by the by-laws of the council in addition to any penalties otherwise imposed for the said acts or defaults.

Liability

SECRETARY.

Duties of
secretary

178. It shall be the duty of the secretary of the municipality—

1. To keep a full and correct record in the English language of the proceedings of every meeting of the council in the minute book provided for that purpose and to see that the minutes of each meeting are confirmed at the next regular meeting of the council and signed by the reeve or other presiding officer;

2. To enter in the minutes of every meeting the names of the members of the council present at such meeting and if required by the council to record the name of every member voting and whether aye or nay on any question coming before the council;

3. To conduct the correspondence of the council as directed by it;

4. To transcribe into a special book to be provided for the purpose a true and correct copy of every by-law passed by the council which copy may be either written or printed or partly written and partly printed and to prepare a proper index for such by-laws;

5. To take charge of and keep on record all original by-laws of the council or certified copies thereof, books, papers, accounts, assessment rolls, plans, maps, correspondence committed to his charge by the council during his term of office and deliver the same to his successor or such other person as the council may direct on his ceasing to hold office;

6. To faithfully prepare and duly transmit to the Minister such statements and reports and such other information in regard to the municipality as may from time to time be required by the Minister and in such form as he may direct;

7. To call any special or other meeting of the council in the manner provided by this Act;

8. To produce for inspection the minute and other books and all papers and records of whatsoever kind in his possession when required so to do by an inspector;

9. To faithfully perform all other duties conferred upon him by this Act and generally to carry out such instructions as may be issued to him from time to time by the council;

10. To advise the Minister of his appointment as secretary within five days of such appointment, of the names and addresses of all persons elected councillors for the municipality within five days after the first meeting of the council at which they are entitled to be present, and of the name and address of the reeve, within five days of his election; 1913 (1), c. 7, s. 22.

11. To faithfully prepare and duly submit to the Minister of Education such statements, reports and other information as may from time to time be required by the Minister of Education, and in such forms as he may direct; 1913 (1), c. 7, s. 22.

12. To faithfully prepare and duly transmit to the treasurer of each rural school district which is in whole or in part included within the boundaries of the municipality a statement showing the total amount of the assessed value of the lands in such school district that are included within the boundaries of the municipality, such statement to be transmitted to the school district as soon as assessment roll for the year has been revised. 1913 (1), c. 7, s. 22.

TREASURER.

179. It shall be the duty of the treasurer of the municipality—^{Duties of treasurer}

1. To receive and safely keep all moneys belonging to the municipality from whatever source received;

2. To deposit daily or as often as the council may direct in some chartered bank designated by the council all money received by him;

3. To submit all accounts and charges against the municipality which he receives for the consideration of the council;

4. To pay all accounts against the municipality only when they have been passed by the council and certified by the reeve or other presiding officer;

5. To make all payments on behalf of the municipality by cheque on the chartered bank in which the moneys of the municipality are deposited; and every such cheque in addition to being signed by the treasurer shall be countersigned by the reeve or in his absence by the deputy reeve;

6. To give and take receipts for all the moneys of the municipality received and disbursed and to keep on file all vouchers of expenditure;

7. To keep in a cash book or such books of record and in such form as may from time to time be prescribed by the Minister a complete and detailed record of all the financial transactions of the municipality;

8. To submit to the council quarterly and whenever otherwise required so to do by the council a balance sheet showing the financial standing of the municipality;

9. To produce when called for by the council, auditor, inspector or other competent authority all books, vouchers, papers and moneys belonging to the municipality and to hand over the same to his successor or such person as the council may direct on his ceasing to hold office;

10. To faithfully prepare and duly transmit to the Minister such reports and statements as may from time to time be required by the Minister and in such form as he may direct;

11. To faithfully perform all other duties conferred upon him by this Act and generally to carry out such instructions as may be issued to him from time to time by the council;

12. To faithfully prepare and duly submit to the Minister of Education such statements, reports and other information as may from time to time be required by the Minister of Education and in such form as he may direct. 1913 (1), c. 7, s. 23.

179a. The treasurer shall collect a fee of twenty-five cents ^{Fee for search} for every search made in the assessment or tax roll and shall, if required, without an additional fee, give a certificate under his hand, showing whether or not all taxes in respect of such lot have been paid, and if not, the amount of arrears payable against such lot, and such fee shall form part of the general revenue of the municipality. 1913 (1), c. 7, s. 23.

180. The financial year of the municipality shall commence ^{Financial year} on the first day of January and close on the thirty-first day of December in each year.

AUDITOR.

Auditor

181. The council shall at its first meeting in each year or within two months thereafter appoint an auditor but no one who then or during the preceding year is or was a member of the council or is or was secretary or treasurer or who has directly or indirectly or had during the preceding year any share or interest in any contract made by the municipality or who is employed by the municipality in any capacity except that of auditor shall be appointed; the council may appoint any incorporated company or partnership as auditor.

Auditor's reports

182. On or before the fifteenth day of November in each year the auditor shall prepare in such form as the Minister may direct an abstract of the receipts, expenditures and liabilities of the municipality up to the preceding thirty-first day of October including a statement showing the total amount of debentures authorized to be issued, the debentures actually issued, those actually sold or otherwise disposed of and those remaining on hand.

(2) The treasurer on or before the first day of December in each year shall mail a copy of such abstract to the Minister and to every elector of the municipality.

Inspections

183. Any elector may inspect the said abstracts and reports or any of them and may by himself or his agent and at his own expense take a copy thereof or extract therefrom.

Abstract of receipts, expenditures, etc., for the year

(2) On or before the first day of March in each year the auditor shall prepare in such form as the Minister may direct an abstract of the receipts, expenditures, assets and liabilities of the municipality for the financial year ending on the thirty-first day of December of the preceding year showing the amounts collected and expended in each hamlet and including a statement showing the total amount of debentures authorized to be issued, the debentures actually issued, those actually sold, or otherwise and how disposed of and those remaining on hand; he shall make a special report respecting any expenditures made contrary to law; he shall deliver the said abstract and report to the reeve who shall lay the same before the council at its next meeting; and the council on or before the first day of April in each year shall cause the said abstract and report to be published in some newspaper published in the municipality, or, if there be no newspaper published therein, in the newspaper the place of publication of which is nearest thereto and shall cause a copy of such abstract and report to be forwarded to the Minister. 1914, c. 9, s. 11.

Auditor's declaration of office

184. The declaration of office to be made and subscribed by every auditor shall be as follows:

"I, A.B., having been appointed to the office of auditor for the Rural Municipality of.....No..... do hereby promise and declare that I will faithfully perform the duties of the said office according to the best of my judgment and ability and I do solemnly declare that I have not directly or indirectly any share or interest whatever in any contract

or employment (except that of auditor) with, by or on behalf of the municipality. So help me God.

Declared before me at }
 this.....day of }
 19.... }

.....
A Comr., etc., N.P. or J.P."

PART V.

MUNICIPAL BY-LAWS AND GENERAL POWERS AND DUTIES OF COUNCILS.

BY-LAWS.

185. Except as herein provided the council of every municipality may exercise the duties and powers conferred on it by this Act either by resolution or by by-law. Resolutions of council

186. Every by-law shall be under the seal of the municipality and shall be signed by the reeve or person presiding at the meeting at which the by-law is finally passed and by the secretary; and every such by-law shall have three distinct and separate readings before the same shall be finally passed but not more than two readings shall be had at any one meeting except by the unanimous vote of members of the council present. By-law to be under seal
Three readings

187. In case no application to quash a by-law is made within two months next after the final passing thereof the by-law shall be valid and binding notwithstanding any want of substance or form therein or in the proceedings prior thereto or in the time or manner of passing thereof. Validation of by-laws

(2) Provided, however, that in case of a by-law requiring the assent of the electors where the by-law has not been submitted to or has not received the assent of the electors, an application to quash the by-law may be made at any time.

188. No by-law for raising money by way of debentures shall have any effect until the same has received the assent of two-thirds of the electors of the municipality voting thereon and the approval of the Minister as hereinafter provided. Assent of electors and Minister to money by-law

189. When any council has authority to direct by by-law that any matter or thing shall be done by any person such council may also by the same or another by-law direct that in default of its being done by the person such matter or thing shall be done at the expense of the person in default and the municipality may recover the expense thereof with costs by action in any court of competent jurisdiction or in like manner as municipal taxes. Council may do omitted work

190. A copy of any by-law written or printed without erasure or interlineation and under the seal of the municipality certified to be a true copy by the secretary and a member of the council shall be authentic and received as *prima facie* evidence of its passing and of the contents thereof without any further proof Evidence of by-law

in any court unless it is specially pleaded or alleged that the seal or the signature of the secretary or member of the council has been forged.

By-laws
generally

191. The council of any municipality may pass such by-laws not inconsistent with any law or regulations having the force of law in force in this province as it may deem expedient for all or any of the following purposes:

Public health,
etc.

1. Providing for the health of the municipality and the prevention of the spread of infectious and contagious diseases; and engaging such nurses as may be deemed necessary at any time to provide for the care of the indigent sick;

Nuisance
grounds

2. Regulating nuisance grounds within the municipality and making provision for the disposal of the refuse of hamlets by licensing scavengers or otherwise;

Cemetery

3. Acquiring any plot of land within or without the municipality for cemetery purposes and improving, caring for and beautifying such land, and preventing the burial of the dead within any hamlet; provided that whenever a municipality acquires by purchase, donation or otherwise any plot of land for cemetery purposes outside the limits of the municipality the provisions of *The Cemetery Ordinance* shall apply *mutatis mutandis* to the said municipality;

Hospitals, etc.

4. Granting aid for the erection and maintenance of hospitals within or without the municipality;

Aid to needy
person

5. Granting aid or relief to any needy person who is a resident of the municipality;

Trees

6. Providing for planting and protecting trees on highways and public places;

Light weight

7. Imposing penalties for light weight and short measurement;

Cruelty to
animals

8. Preventing cruelty to animals;

Dogs

9. Restraining and regulating the running at large of dogs and imposing a tax on the owners, possessors or harbourers of dogs and killing dogs running at large;

Wolf bounty

10. Providing for the destruction of wolves within the municipality by the payment of bounty for the destruction thereof;

Prairie fire

11. Preventing prairie or running fires and making provisions for the enforcement of *The Prairie Fires Ordinance*; or any Act passed in amendment or in substitution thereof;

Hawkers,
auctioneers,
pedlars-
and transient
traders

12. Licensing, regulating and governing auctioneers, hawkers or pedlars and transient traders, but a license shall not be granted by a rural municipality unless the applicant is a holder of a provincial license for auctioneers, hawkers or pedlars; 1913 (1), c. 7, s. 24; 1913 (2), c. 21, s. 12.

Removal of
dirt, etc.,
from roads

13. Compelling the removal of dirt, stones, filth, dust or rubbish off the roads, lanes or other places within the municipality by the party depositing the same and the placing of the same where ordered by the council;

Storage of
gunpowder

14. Regulating the storage of gunpowder and other combustible, explosive or dangerous materials within the municipality;

Encumbering
the streets

15. Preventing the ploughing, encumbrance or obstructing of roads and other places by vehicles or other articles or things;

Regulating
use of
bridges and
highways

16. Regulating the driving and riding of horses and cattle on highways and public bridges and preventing racing, immoderate or dangerous driving or riding on the highways and public bridges and making provision for the carrying out of any provincial law respecting the same;

17. Making provision for regulating the use of bridges and culverts by portable engines or traction engines; Traction engines
18. Granting aid to agricultural societies; Aid to agricultural societies
19. Taking the census of the municipality or any part thereof; Census
20. Providing ways and means for the extermination of such animals as are found to injure or impede agriculture; Extermination of animals
21. Preventing the posting or exhibiting of placards, play bills, posters, writings or pictures, which are indecent or may tend to corrupt or demoralize the public or individuals, or the writing of words which are indecent or may tend to corrupt or demoralize the public or individuals, or the making of pictures or drawings which are indecent or may tend to corrupt or demoralize the public or individuals, on walls or fences or elsewhere in streets or public places; Indecent placards, etc.
22. Preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language and other immorality and indecency; Vice, drunkenness, etc.
23. Suppressing disorderly houses and houses of ill-fame; Lewdness
24. Suppressing gambling houses, seizing and destroying faro banks, rouge et noir, roulette tables, and other devices for gambling found therein; Gaming
25. Restraining and punishing vagrants, mendicants and persons found drunk or disorderly in any street, highway or public place; Vagrants
26. Preventing indecent public exposure of the person and other indecent exhibitions; Indecent exposure
27. Preventing or regulating the bathing or washing the person in any public water in the municipality; Bathing
28. Licensing, regulating and governing all persons who for gain or hire, directly or indirectly, keep or have in their possession, on their premises or under their control any pool, billiard or bagatelle table, in a place of public entertainment whether such pool, billiard or bagatelle table be used or not, and regulating and governing all persons who use or frequent premises where any pool, billiard or bagatelle table is so kept; Regulating pool rooms, etc.
- (2) Licensing, regulating and governing public bowling alleys and regulating and governing all persons who use or frequent same;
29. Preventing or regulating and licensing exhibitions of wax-works, menageries, circuses, shows, theatres, and caravans and for requiring the payment of license fees for authorizing the same, not exceeding \$500 per day and for imposing fines for infringing such by-laws to the amount of \$50 over and above the costs of the license fee, provided such fine and costs and fee may be levied by sale of the goods of the showman or the goods belonging to or used in connection with the show or exhibition, whether owned by the showman or not and in addition the offender may be imprisoned for six months; 1913 (1), c. 7, s. 24. Licensing exhibitions
30. Preventing or regulating or licensing exhibitions held or kept for hire or profits in halls, opera houses, moving picture theatres and other places of amusement. 1913 (1), c. 7, s. 24.

INFRACTION OF BY-LAWS.

192. The council of every municipality may pass by-laws for inflicting reasonable fines and penalties not exceeding \$100 Power to inflict penalties

exclusive of costs for breach of any of the by-laws of the municipality and for reasonable punishment by imprisonment with or without hard labour in the nearest common gaol for any period not exceeding thirty days in case of nonpayment of the fine and costs inflicted for any such breach unless such fine and costs including the costs of committal are sooner paid.

Copies of
by-law to be
sent to
Minister

(2) Two copies of every such by-law under the seal of the municipality and certified as correct by the reeve and the secretary shall be transmitted to the Minister and no such by-law shall have any force or effect until one of the said duplicate copies is returned to the secretary approved by the Minister.

Penalty to
be paid to
municipality

(3) Any penalty or fine under any by-law of a municipality shall if no other provision be made respecting it belong to the municipality for the public use of the same and form part of the general revenue of the municipality.

Transportation
and maintenance
of
prisoners

193. In the event of any person being committed to gaol by reason of a breach of any by-law of a municipality there shall be chargeable to such municipality such part of the expenses paid by the province for the transportation of such person to gaol and for his maintenance while there as may be designated by the Lieutenant Governor in Council.

QUASHING BY-LAWS AND RESOLUTIONS.

Motion to
quash

194. Any elector of the municipality may apply to the judge of the District Court of the judicial district within which the municipality is wholly or partly situated, or if portions of the municipality are situated within more than two judicial districts to the judge of the District Court of any such judicial district, upon motion to quash any by-law, order or resolution of the council in whole or in part for illegality; and the judge upon such motion may quash the by-law, order or resolution in whole or in part and may according to the result of the application award costs for or against the municipality and may determine the scale of such costs.

Notice of
motion

(2) Notice of the motion shall be served at least seven clear days before the day on which the motion is to be made.

Proof of
by-law

(3) The by-law, order or resolution may be proved by the production of a copy thereof written or printed without erasure or interlineation and under the seal of the municipality certified to be a true copy by the secretary and a member of the council; and the secretary shall deliver such copy upon payment of a fee therefor at the rate of ten cents for every hundred words.

Security
for costs

(4) Before any such motion is made the applicant or in case the applicant is a company some person on its behalf shall enter into recognizance before the judge himself in the sum of \$100 and two sureties each in the sum of \$50 conditioned to prosecute the motion with effect and to pay any costs which may be awarded against the applicant.

Affidavits of
justification

(5) The judge may allow the said recognizance upon the sureties entering into proper affidavits of justification and thereupon the same shall be filed in the District Court with the other papers relating to the motion.

(6) In lieu of the recognizance mentioned in subsections (4) and (5) of this section the applicant may pay into court the sum of \$100 as security for any costs which may be awarded against him and the certificate of such payment into court having been made shall be filed in the District Court with the other papers relating to the motion. ^{Payment into court}

(7) Upon the determination of the proceedings the judge may order the money so paid into court to be applied in the payment of costs to be paid out to the applicant in the discretion of the judge according to the result of the application. ^{Payment out of court}

(8) All moneys required to be paid into or out of court under this section shall be paid in and paid out in like manner as moneys are paid into and out of court in actions pending in the said court. ^{Procedure}

(9) No application to quash a by-law, order or resolution in whole or in part shall be entertained unless the application is made within two months from the passing of the by-law, order or resolution, except in the case of a by-law requiring the assent of the electors, where the by-law has not been submitted, to or has not received the assent of the electors in which case an application to quash a by-law may be made at any time.

195. Any by-law which has been procured to be passed through or by means of any violation of the provisions of sections 4 and 5 of *The Controverted Municipal Elections Act* may be quashed upon an application made in conformity with the provisions therein contained. ^{By-laws procured by bribery and corruption}

POWERS AND DUTIES OF COUNCILS.

196. In addition to all other duties and powers conferred on councils by this Act the council of every municipality shall have power to pass by-laws— ^{Further powers of councils}

1. To purchase, lease or otherwise acquire for the use of the municipality any estate in landed property within or without the municipality for exhibition grounds, nuisance grounds or a cemetery or for the purpose of erecting thereon any municipal building and to erect, furnish, maintain and repair such buildings as may be beneficial to the municipality: ^{Acquire lands}

Provided that in any one year no expenditure or liability of more than \$500 shall be incurred under the provisions of this clause until a by-law shall have been submitted to the vote of the electors and passed by a vote of at least two-thirds of those voting thereon and such vote shall be taken as nearly as may be in the manner provided herein for a vote of the electors of the municipality on a by-law for raising money by way of debentures; ^{Proviso}

2. To establish and maintain or to assist in establishing and maintaining public scales for weighing or measuring anything sold by weight or measurement within the municipality or within any village or town; ^{Weigh scales}

3. To lay out, construct, repair and maintain roads, lanes, bridges, culverts and any other necessary public work in the interests and for the use of the municipality. ^{Roads}

4. Subject to the provisions of *The Public Health Act* to make provision for a supply of water for the municipality or any portion ^{Water supply}

thereof and to regulate the use of the same and to prevent the placing of anything prejudicial to health in any stream or body of water in the municipality;

Temporary
road

5. To open and maintain a temporary road or right-of-way for public purposes for a term not exceeding two years across any private property or properties when in the opinion of the council the condition of the public roads in the neighbourhood make such action necessary or expedient; and the council shall in every such instance pay to the owners or occupants of any land so opened as a temporary road such compensation for the use thereof and for any and all damages occasioned thereby as may be mutually agreed upon between the council and the persons interested or in the event of a disagreement such compensation as may be determined by arbitration under the provisions of *The Arbitration Act*;

Ferries

6. To establish and operate within or without the municipality any ferry licensed under the provisions of *The Public Works Act*;

Pile drivers,
stone
crushers, etc.

7. To acquire either separately or jointly with any other municipality any grader, pile driver, stone crusher, roller or any other machine or implement for use in the construction, repair or maintenance of any road, bridge or other public work within the municipality or municipalities;

Disposal of
property

8. To sell, lease or otherwise dispose of or to devote to some other municipal purpose in whole or in part any property acquired by the municipality by gift or otherwise for a specific purpose when such property in the opinion of the council is no longer needed for such purpose, subject to approval of the resident electors obtained in the same manner as a vote upon debenture loans;

Unite with
other muni-
cipalities

9. To unite with the councils of other municipalities for the construction and maintenance of any public work or the performance of any matter or thing deemed by all the councils concerned to be of benefit to their respective municipalities and to enter into an agreement as to the joint control and management of anything that concerns their respective municipalities;

Expropriation

10. To enter upon and take and use and acquire so much real property as may be required for any highway, road, street, bridge, ferry, cemetery or other public work in the municipality without the consent of the owners of such real property making due compensation therefor to the parties entitled thereto; and in the event of the amount of such compensation not being mutually agreed upon by the parties concerned it shall be determined by arbitration under *The Arbitration Act*; 1914, c. 9, s. 12.

11. To allow by way of rebate to any person assessed in any year not more than twenty-five per cent. of the amount paid by such person as taxes on land cultivated and cropped the previous year, or on land enclosed by a lawful fence used exclusively for the purpose of pasture and upon which horses or cattle to the number of at least one or sheep to the number of at least three for every ten acres so enclosed have been pasturing for six months during the previous year; provided, however, that this rebate shall not apply to taxes levied under *The Educational Tax Act*, or to taxes levied for hail insurance or school purposes. 1913 (1), c. 7, s. 25; 1915, c. 16, s. 2.

Bonns, etc.,
prohibited

197. No council of any municipality shall have power—

1. To grant a bonus or any other aid to any person, company or corporation for the construction, establishment or operation

of any manufactory, mill, railway, or any other business or concern whatever either within or without the municipality;

2. To exempt from taxation any such manufactory, mill, railway or other business or concern nor to subscribe for stock in or to guarantee the bonds, debentures or other securities thereof.

APPORTIONMENT OF EXPENDITURES.

198. The council shall cause at least one-half of the total amount estimated to be expended in the municipality for general municipal purposes to be apportioned among the townships comprising such municipality in proportion to the amount of taxable land therein respectively, as shown by the last revised assessment roll, and the amount so apportioned to each such township shall be expended on public works in such township; provided that the council may, by resolution unanimously adopted at a meeting of the whole council, decide that the amount to be apportioned as aforesaid may be reduced to any amount not less than one-quarter of the said total estimate.

Apportionment of expenditure between divisions

NOXIOUS WEEDS.

199. It shall be the duty of every council and it shall have power to appoint from time to time such inspector or inspectors as are required to carry out and enforce the provisions of *The Noxious Weeds Act* within the municipality, and every inspector so appointed shall have the same powers and shall perform the same duties as an inspector, as provided for in said Act, and shall be paid such remuneration as the council may fix.

Appointment of inspectors

(2) Nothing herein contained shall be deemed to limit or in any other way affect the powers conferred upon the Minister of Agriculture or the inspectors appointed by him under the provisions of the said Act.

200. In case noxious weeds are not cut down or otherwise destroyed on any land pursuant to any notice given by an inspector of a municipality in accordance with the provisions of *The Noxious Weeds Act* or in case the name or address of the owner of such land is unknown the said inspector or any person or persons directed by him may forthwith enter upon the land with the necessary teams and implements and destroy such weeds in such manner as the inspector may see fit and such inspector shall forthwith make a return to the treasurer of the amount expended in the work performed under the provisions of this section.

Inspector may destroy weeds

201. The amount expended in the work performed under the next preceding section may be recovered from the owner or occupant of the land by action in the name of the reeve or the inspector or by distress by the reeve or inspector or the agent of either of any chattels on the land.

Recovery of amount expended

202. Any such amount which has not been satisfied on or before the first day of January next following its expenditure shall be added to and form part of the taxes assessed for municipal purposes on such lands in all respects as if it were an original tax; and it shall have the same effect on the land and may

Amount expended recovered in same manner as taxes

be recovered in any of the modes available for the recovery of such taxes and the amount so recovered shall form part of the general revenue of the municipality.

Certificate
prima facie
evidence of
expenditure

203. A certificate purporting to be signed by the treasurer to the effect that an amount named therein has been expended during any year for the destruction of noxious weeds upon any area of land described therein shall be *prima facie* evidence that the amount named has been so expended.

Neglect by
inspector

204. Every inspector who refuses or neglects to perform any duty placed upon him by *The Noxious Weeds Act* or by the council shall be liable on summary conviction thereof to a penalty not less than \$10 nor more than \$50.

Penalty to
go to
municipality

205. Every fine, penalty and forfeiture imposed by *The Noxious Weeds Act* for a violation of any of its provisions shall be payable to the municipality whose council takes the necessary steps to enforce such fine, penalty or forfeiture, as the case may be.

RESTRAINING ANIMALS AT LARGE.

By-laws
restraining and
regulating the
running at large
of animals

206. The council of every municipality shall have full power to pass a by-law or by-laws for restraining animals at large and any such by-law or by-laws shall—

- (a) Describe the several kinds of animals the by-law purports to restrain;
- (b) Determine what condition shall constitute an animal at large;
- (c) Determine whether animals at large shall be restrained throughout the whole year or only a portion thereof and if only a portion what portion;
- (d) Determine whether such by-law is to be made applicable to the whole municipality or only a portion or portions thereof and if only a portion or portions what portion or portions;
- (e) Determine whether animals not the property of residents shall be permitted to be at large within the municipality and if such permission is given by such by-law the conditions under and the time or times during which such animals may be at large in the municipality;
- (f) Determine whether animals not the property of residents within any portion of the municipality shall be permitted to be at large within such portion of the municipality and if such permission is given by such by-law the conditions under and the time or times during which such animals may be at large within such portion;
- (g) Prescribe the manner in which animals, required by such by-law to be restrained from being at large, shall be distrained and kept during such distraint and the places at which and the persons with whom animals so distrained shall be impounded;
- (h) Determine what shall constitute a lawful fence within the municipality, subject to the provisions of *An Ordinance respecting Fences*, and all amendments thereto. 1913 (1), c. 7, s. 26; 1913 (2), c. 21, s. 13; 1914, c. 9, s. 13.

(2) "Resident" in this section includes any person living in the municipality or any person occupying any land in the municipality. 1914, c. 9, s. 13; 1915, c. 16, s. 3.

207. In every such by-law the council shall incorporate substantially all the provisions of sections 206 to 216, inclusive, of this Act, substituting the word "by-law" for "Act" where the meaning requires it. 1913 (2), c. 21, s. 13.

208. Any person claiming any damage for trespass by any animal impounded may, at the time of the impounding of such animal, deliver to the poundkeeper a statement in writing, showing the nature and amount of his demand, and any person failing to deliver such statement at such time shall have no recourse to the provisions of this Act as to the collection of damages.

(b) Upon the receipt of such statement the poundkeeper shall, if the owner of the animal be unknown to him, apply to the reeve or to any one of the councillors of the municipality, or to the nearest justice of the peace, who is hereby authorized and required to summon three disinterested inhabitants of the municipality as appraisers and such three appraisers or any two of them shall, within twenty-four hours after being summoned as aforesaid, view the ground on which the animal or animals were found doing the damage and appraise the damage committed, and the determination of a majority of the said appraisers shall be conclusive as to such claim and the amount thereof, and they shall within twenty-four hours after having made the view give in writing to the poundkeeper a statement of the amount of the damages assessed by them and said amount shall be the amount to be retained by the poundkeeper from the sale of the animal or animals as appraised damages. 1913 (2), c. 21, s. 13.

(c) Each appraiser shall be allowed the sum of \$1.00 as a fee for the appraisal and the amount of such fees shall be retained by the poundkeeper out of the proceeds of the sale of the animal or animals, to be paid by him to the appraisers, 1913 (2), c. 21, s. 13.

209. If the owner of any impounded animal is known to the poundkeeper, as the owner of such animal, the poundkeeper shall forthwith deliver at or mail by registered post to the address of such owner a notice in the following form:

"Notice is hereby given that (description of animal impounded, giving registered brand, if any, marks and points) was impounded in the pound kept by the undersigned on the (description of place where pound is located) on the.....day of.....A.D. 19....

"Given under my hand at.....this.....day of.....A.D. 19....

(Signature of Poundkeeper).

"To....."

(If a claim for damages shall have been made the poundkeeper shall embody in the said notice the following, or to the like effect):

"Notice is also given that a claim for damages to.....the amount of....., has been made by.....and that if you wish to have this

claim appraised you are required, within three days from the receipt of this notice, to notify me to that effect, otherwise the claim will be taken to be admitted."

(If the owner shall, within three days from the receipt of this notice, inform the poundkeeper of his desire to have appraisers appointed the poundkeeper shall forthwith apply for the appointment of appraisers as in section 208 hereof and thereafter the provisions of section 208, as to appointment, view and award, shall govern. The appraisers shall be allowed the fees set out in section 208 hereof. If the amount of the appraised damages equals or exceeds the amount claimed by the claimant then the amount of the appraisers' fees shall be paid by the owner or retained from the proceeds of the sale of the animals or animals, but if the amount of appraised damages shall be less than the amount claimed by the claimant then the appraisers' fees shall be paid by the claimant or retained out of the amount due him as appraised damages.)

(2) If the owner shall not within three days from the receipt of the notice that a claim for damages has been made, inform the poundkeeper of his desire to have appraisers appointed, the claim and the amount thereof will be taken to be admitted, and thereafter shall be treated as appraised damages. 1913 (2), c. 21, s. 13.

(3) In case such owner is not known or such owner or person notified shall not within ten days after the posting or delivery of the notice referred to in subsection (1) hereof appear at the pound and release the animal so impounded by the payment of the appraised claim for damages, the poundkeeper's fees and mileage and allowances, and the appraisers' fees, where the same are due under this Act, the poundkeeper shall cause to be inserted once each week for two consecutive weeks in some newspaper circulating in the municipality a notice in the following form:

"Notice is hereby given that (*description of animal impounded, giving registered brand, if any, marks and points*) was impounded in the pound kept by the undersigned on (*description of place where pound is located*) on the.....day of.....

A.D. 19....

"Given under my hand at.....

this.....day of.....

A.D. 19....

1913 (2), c. 21, s. 13.

.....
Signature of Poundkeeper."

(3a) A copy of any notice required by this section to be posted or delivered shall be published in one issue of *The Alberta Gazette* 1914, c. 9, s. 14.

(4) Every poundkeeper shall without charge, in addition to any copies of any notice which he may be required to post or deliver, post a copy of every such notice in a conspicuous place at his pound and in the nearest post office, and shall keep and maintain such notice at his pound during the whole of such time such notice may refer to. 1913 (2), c. 21, s. 13.

210. If any poundkeeper impounds or assists, or incites, or employs any person to impound any animal in any municipality, unless such animal was an estray or was trespassing upon the poundkeeper's own land, he shall in addition to any civil liability

which he may incur by reason thereof be guilty of an offence and liable on summary conviction to a penalty not exceeding \$100.00.

(2) Every poundkeeper shall keep the pound to which he is appointed clean and in good repair and shall supply the animals impounded therein with sufficient and wholesome sustenance, and provide for them such shelter as is commonly provided at the time for animals of similar age and class in the vicinity, and the poundkeeper may send such animals out of his pound at fit times and fit places for grazing or watering, and every poundkeeper shall be responsible to the owner of any impounded animal for all loss or damage occasioned by any act or negligence of himself or his agent. An open wire corral shall in no case be regarded as a suitable pound. 1913 (2nd Session), c. 21, s. 13.

211. When any animal shall not have been released from the pound within thirty days after the notice has been inserted for the last time in a newspaper, as is herein provided, the said animal shall be sold by public auction after notice of such sale has been posted for eight days in three conspicuous places within the municipality, one of which shall be the post office nearest the pound, and at such sale the poundkeeper shall be the auctioneer. The sale shall be held at the pound or at such other place as may be designated by by-law of the municipality and shall commence at the hour of two o'clock in the afternoon. The poundkeeper shall not, either in person or by his agent, purchase any animal at such sale or have any interest of any kind in any animal so purchased. 1913 (2nd Session), c. 21, s. 13.

(2) No poundkeeper making a sale under the provisions of this Act shall be liable to a penalty for selling without a license as an auctioneer. 1913 (2nd Session), c. 21, s. 13.

212. If more than one animal is impounded and the owner thereof is known the poundkeeper shall only sell sufficient of such animals to satisfy the claims for damages, expenses and fees chargeable against the animals and the owner of the animals shall be entitled to those remaining unsold. 1913 (2nd Session), c. 21, s. 13.

(2) If the owner of the animals is unknown the poundkeeper shall sell all the animals impounded. 1913 (2nd Session), c. 21, s. 13.

(3) The poundkeeper shall, immediately after such sale, send to the treasurer a description of the animal or animals sold at such sale, the amount realized and the disposition thereof. 1913 (2nd Session), c. 21, s. 13.

213. The proceeds of the sale of any impounded animal sold under the provisions of this Act shall be applicable in payment—

- (a) Of any costs and charges attending such sale;
- (b) Of all sustenance fees;
- (c) To the impounder of such animals the amount due him for capturing and impounding the same; to the claimant for damage done; and of appraisers' fees, if the same shall be due under the provisions of this Act; and the residue, if any, shall be paid to the owner of such animal, or if not claimed at the time of sale by any person entitled thereto, to the treasurer of the municipality. 1913 (2nd Session), c. 21, s. 13.

(2) Any money received by the treasurer under the provisions of the next preceding subsection shall be paid to the owner of the animal sold on evidence satisfactory to the council being furnished as to the applicant's title thereto and application therefor being made to the council within twelve months from the date of the sale, otherwise such money shall form part of the general revenue fund of the municipality. 1913 (2nd Session), c. 21, s. 13.

Notice of
council's
intention to
pass by-law

214. Before any by-law for the restraining of animals at large shall be finally passed by the council of any municipality, the council shall cause a copy of the proposed by-law to be posted up in each of at least fifteen conspicuous places in the municipality, one of which shall be the office of the secretary-treasurer, and shall upon the completion of the posting of such copies, cause to be inserted in some newspaper published in the municipality, or if there is no newspaper published therein, in some newspaper having a circulation therein, a notice in the form following or to the like effect:

"Public notice is hereby given that there has been introduced in the council of the rural municipality of No., a by-law of which the following is a short synopsis (*here insert short synopsis of by-law*), and that a copy of the same may be seen in each of the following places (*here insert list of places at which by-law may be seen*) and further that unless within thirty days from the publication of this notice at least ten resident electors of the municipality petition the council to submit such by-law to the vote of the resident electors of the municipality the council will proceed to pass the same.
1914, c. 9, s. 15.

Secretary of the Municipality of . . . No. . . .

(2) If within thirty days from the publication of such notice any ten resident electors of the municipality petition the council to submit such by-law to the vote of the resident electors of the municipality, the same shall be so submitted before it is finally passed and the proceedings for taking such vote shall be substantially in the manner hereinafter provided for the taking of votes on debenture by-laws, and such by-law shall be declared carried if a majority of the resident electors vote for the same. 1913 (2nd Session), c. 21, s. 13; 1914, c. 9, s. 15.

Tariff of
poundkeeper's
fees

215. The following shall be the tariff of the poundkeeper's fees in accordance with the provisions of this Act:

For each stallion or jack	\$.50
For each bull . . . . .	.50
For each other animal . . . . .	.25

Provided that the total poundkeeper's fees not including commission on sales, shall not exceed \$10.00 and disbursements for advertising.

For posting notices, each such notice to include all such animals impounded at one distress 1.00

For notice in newspaper, actual cost.

For selling impounded animals, as directed by by-law, $2\frac{1}{2}$ per cent. commission on the amount realized on the sale.

For attending for summonses and serving same on appraiser, 25 cents each and 10 cents per mile one way for each mile necessarily travelled.

(b) To the poundkeeper for the care and sustenance of each animal for each day or portion of a day:

For each stallion or jack	\$1.00
For each bull . . . . .	.50
For each other animal . . . . .	.25

(c) To the owner or tenant of any land in the municipality for capturing and impounding a stallion or bull of one year old or upwards at large contrary to any municipal by-law \$5.00, and on receiving settlement or realizing from the sale such amount shall be paid over by the poundkeeper to the person entitled.

(2) Such fees and no others shall be paid for such purposes.

(3) Nothing contained in this Act shall deprive the owner of any animal impounded of any action, remedy or right that he might have at common law or otherwise by reason of said animal being unlawfully impounded. 1913 (2nd Session), c. 21, s.13.

216. The provisions of *The Stray Animals Ordinance*, *The Entire Animals Ordinance*, *The Herd Ordinance* and *The Pound District Ordinance* shall cease to be operative within any municipality on the coming into effect of any by-law passed by the council in pursuance of the powers conferred upon it by this Act. 1913 (2nd Session), c. 21, s. 13.

Provisions of Provincial Ordinances to cease to be operative on passing of by-law

HIGHWAYS AND PUBLIC PLACES.

217. The title to all public roads, highways, streets and lanes in every municipality created under this Act is hereby declared to be vested in the Crown in the right of the province and every such public road, highway, street and lane shall be subject to the direction, control and management of the council of the municipality in which it is situated, subject, however, to the provisions of chapter 21 of the Ordinances of 1901, being *An Ordinance respecting Water, Gas, Electric and Telephone Companies*.

Control of streets, etc.

(2) Notwithstanding anything herein contained any street railway company or other electric railway company may, subject to such regulations and specific directions as may from time to time be made and given by the Minister of Railways and Telephones, put down, take up, relay, connect, disconnect, repair and maintain its tracks and wiring for the transmission of electricity, or may operate its railway along, over and across every such public road, highway, street and lane, or any bridge, watercourse, stream or public place of every and any description whatsoever.

218. The Minister of Public Works shall at all times have the right to enter any municipality for the purpose of constructing, erecting, maintaining or repairing any public work as defined by *The Public Works Act*, and the Minister of Railways and Telephones shall at all times have the right to enter any municipality for the purpose of constructing, extending, erecting, maintaining or repairing any part of the government telephone or telegraph system or systems or any appliance used in connection therewith, and for any or all these purposes every public road, highway or other public place or that part or parts thereof on which such work is being carried on shall until such work is completed be under the direction, control and management of whichever of the said Ministers shall have charge of such work.

Right of entry

Repair of
public works

219. Every council shall keep in repair all bridges, roads, culverts and ferries and the approaches thereto which have been constructed or provided by the municipality or by any person with the permission of the council or which if constructed or provided by the province have been transferred to the control of the council by written notice thereof; and in default of the council so to keep the same in repair the municipality shall be liable for all damage sustained by any person by reason of such default. 1913 (2nd Session), c. 21, s. 14.

Limitation
of time for
action

220. No action shall be brought under the provisions of the next preceding section except within six months from the date upon which the cause of action arose and unless notice in writing of the accident shall have been mailed to or served upon the secretary of the municipality within one month after the date upon which the cause of action arose:

Provided that in case of the death of the person injured or if the court or judge before whom the action is tried considers that there is a reasonable excuse for the want or insufficiency of such notice and that the defendants have not thereby been prejudiced in their defence, the want of the notice required under this section shall be no bar to the maintenance of this action.

CARE OF THE SICK.

Care of
the sick

221. The council of every municipality may make due provision for the care and treatment of any person who has been a resident of the municipality for at least three months and who falls ill and who for financial reasons or otherwise is incapable of procuring the necessary medical attendance and treatment.

Demand by
hospital
board

222. Should the council deem it advisable to place any such person in any hospital which receives aid from the general revenue of the Province of Alberta the board of such hospital may demand and collect from the council a sum not exceeding one dollar per day for each day's actual care of the patient in such hospital.

Recovery of
payment from
patient

223. Any sum thus paid by the municipality to the hospital may be recovered from the said patient by action or by distraint by the treasurer of the municipality or if deemed advisable it may be added to and form part of the taxes levied by the municipality against any land owned by the said patient and shall be collectable in the same manner and to the same extent as all other taxes of the municipality; and in the event of the death of the said patient the council may recover the said sum from his estate, if any.

Agreement
between
council and
board

224. Notwithstanding anything contained in the next two preceding sections any council may if it thinks fit enter into an agreement with the board of any hospital whereby such board will undertake to care for and treat all such patients of the municipality for such annual sum and subject to such conditions and restrictions as may be agreed upon.

PART VI.

MUNICIPAL LOANS.

TEMPORARY.

225. The council of any municipality may from time to time ^{Temporary loans} by resolution authorize the reeve and treasurer to borrow from any person, bank or corporation, such sums as the council deem necessary to meet the then current expenditure of the municipality, until such time as the taxes levied therefor can be collected, and the council shall by such resolution provide for such loan being secured by promissory note or notes of the reeve and treasurer given under the seal of the municipality and on behalf of the council, and the amount so borrowed shall be repaid out of and shall be a first charge upon the taxes which are collected for municipal purposes for the year in which such amount was borrowed; provided that in any municipal year the total amount so borrowed and outstanding shall not exceed sixty per cent. (60%) of the total taxes levied by the municipality for municipal purposes for the preceding year. 1915, c. 16, s. 4.

(2) The council of any municipality shall have similar borrowing powers for the purpose of meeting the estimated expenditures of any rural school district transmitted to the treasurer of the municipality under the provisions of section 296 hereof; provided that the amount so borrowed for any rural school district and outstanding under this subsection, shall not exceed seventy-five per cent. (75%) of the total taxes levied by the municipality for any such rural school district for any year in which such amount is borrowed, and that the amount so borrowed under this subsection shall be repaid out of and shall be a first charge upon the taxes which are collected for any such rural school district for the year in which such amount is borrowed. 1915, c. 16, s. 4.

(3) In every year all taxes collected by the municipality for school purposes and all moneys borrowed by the municipality under the provisions of subsection 2 of this section, shall be kept by the municipality in a separate account and deposited in a chartered bank to the credit of a trust fund to be styled "School Taxes Trust Fund," and shall only be paid thereout to the several rural school districts entitled thereto. 1915, c. 16, s. 4.

(4) Any person or bank lending any sum to a municipality under this section shall not be bound to establish the necessity for borrowing the same nor see to the payment of the same by the municipality into the said school taxes trust fund nor as to the payment out thereof. 1915, c. 16, s. 14.

226. The council of a municipality may at any time within ^{Temporary loan during first year of organization} twelve months after its organization in anticipation of the collection and payment of the general taxes payable in any year from time to time borrow moneys on the credit of the municipal rates to an amount not exceeding one-half of the total estimated revenues of the municipality for the year.

DEBENTURE LOANS.

227. Should it appear desirable to the council of any municipality that a sum of money should be borrowed on the ^{Debenture by-laws}

security of the municipality for the purpose of purchasing or constructing any road, highway, bridge, ferry or other municipal public work or for the purpose of purchasing or otherwise acquiring any land, gravel pit, right-of-way, easement or other interest in any land for the use of the municipality or for the purpose of draining any portion of the municipality or for the purpose of providing a water supply for any portion of the municipality or for the purpose of purchasing or otherwise securing any machinery, tools or implements for the use of the municipality or for the purpose of assisting in the erection or enlargement of a hospital either within or without the limits of the municipality or for the purpose of purchasing, erecting, improving, altering, adding to or furnishing any building for the use of the municipality or for all or any of the said purposes it shall pass a by-law to that effect which by-law shall be in such form as is prescribed by the Minister or to the like effect and which shall be under the corporate seal of the municipality.

228, 229, 230 (*Repealed*—1913 (1st Session), c. 7, s. 28.)

Poll to be
taken

231. Before such by-law is finally passed it shall be submitted to a vote of the electors and receive the approval of two-thirds of the electors voting thereon and the council shall by resolution fix the time for the holding of such a poll, appoint a returning officer, divide the municipality into polling divisions and name a polling place in each of the said polling divisions and a deputy returning officer therefor and appoint the time and place when and where the returning officer shall sum up the votes given for and against the by-law. 1913 (1st Session), c. 7, s. 29.

(2) Such polling place shall be within the polling division or within a city, town or village which is within or touches at some point the area of such polling division, and shall not be a licensed hotel.

(3) If the council deem it advisable such poll may be held on the day herein fixed for the election of councillors.

Notice of poll

232. Notice of the poll shall be posted up at least fourteen clear days before the date of voting in the manner prescribed by section 100 hereof and every such notice shall be in the form prescribed by the Minister.

Proceedings
at poll, etc.

233. At the day and hour fixed by the said notice a poll shall be taken in each polling division of the municipality and all proceedings thereat and preliminary and subsequent thereto and for the purposes thereof including a recount shall be conducted in the same manner as nearly as may be as at an election for councillors.

234. The ballot papers for voting on the by-law shall be in the following form:

BY-LAW No.		Ballot paper
For		
Against		

235. On the application of any person interested in promoting Agents or opposing the by-law the reeve shall authorize the attendance at poll of two persons on behalf of the party applying at each polling place and at the final summing up of the votes but no more than two such persons on each side shall be so authorized.

236. Every elector of the municipality shall be entitled to One vote only vote once only on the by-law and such vote shall be recorded at the polling booth in the polling division in which such elector resides or in case the elector is not a resident of the municipality then in the polling division or one of the polling divisions of the municipality in which his name appears on the municipal voters' list.

237. The returning officer shall at the time and place appointed Declaration by the council and in the presence of those authorized to attend of result of poll or such of them as may be present count and sum up the number of votes for and against the by-law according to the provisions of section 146 hereof and shall then and there declare the result and forthwith certify to the council under his hand whether or not two-thirds of the electors entitled to vote who have voted on the by-law approved of the same.

238. In the event of a recount not being applied for within Certificate from secretary concerning passing of by-laws the time specified by section 153 hereof the secretary of the municipality shall forthwith forward to the Minister—

- (a) A certified copy of the by-law under the seal of the municipality;
- (b) (*Repealed*—1913 (2nd Session), c. 21, s. 16.)
- (c) A statutory declaration showing the total area of assessable land in the municipality and the assessed value thereof as shown by the last revised assessment roll;
- (d) A certified copy of the returning officer's statement as to the result of the poll;

and in the event of a recount being applied for the secretary after such recount has been held shall transmit to the Minister the aforesaid documents together with a certified copy of the written statement of the judge as to the result of such recount.

239. Upon receipt of the several documents referred Minister to in the next preceding section and upon being satisfied that authorization of by-law the several requirements of this Act have been substantially complied with the Minister may in writing authorize the council to borrow by way of debenture the sum or sums of money mentioned in the by-law or any less sum; and notice of such

authorization shall be published in *The Alberta Gazette* and such notice shall be conclusive evidence of the sanction of the loan and that all the necessary formalities of this Act have been complied with.

Issue of
debentures

240. Whenever the council of any municipality is authorized by the Minister to borrow any sum of money as provided by section 239 hereof the council may thereupon issue a debenture or debentures to secure the amount of the principal and the interest of the loan so authorized or of any less sum upon the terms specified in the by-law; and the debenture or debentures when signed by the reeve and treasurer of the municipality and sealed with the corporate seal thereof and the coupons thereto attached when signed by the reeve and treasurer of the municipality, shall when the Minister or his deputy shall have countersigned the debenture as hereinafter provided be sufficient, notwithstanding anything in this Act to the contrary, to bind the municipality and create a charge or lien upon all municipal property and rates and taxes in the municipality. 1913 (2nd Session), c. 21, s. 17.

(2) The signatures of such coupons may be engraved or lithographed.

Form of
debenture

241. Every debenture issued by any municipality may be in the following form or to the like effect:

"\$..... Debenture No.....

"The Rural Municipality of..... No.....

promises to pay to the bearer at the.....

at..... the sum of..... dollars of lawful

money of Canada in..... equal consecutive

annual instalments with interest at the rate of..... per

centum per annum on the terms and in the amounts specified

in the coupons attached hereto.

"Dated this..... day of..... 19....

Reeve.

"(Corporate Seal)

Treasurer."

COUPONS.

"Coupon No..... Debenture No.....

"The Rural Municipality of..... No.....

will pay to the bearer at the.....

at..... on the..... day of.....

19...., the sum of..... dollars, being the.....

instalment of principal with the total interest at the rate of.....

per centum per annum due on that date on municipal debenture

No.....

Reeve.

Treasurer."

(2) Any debenture or coupons for the interest thereof issued under the provisions of this Act may be made payable in gold or its equivalent of lawful money of Canada or of Great Britain at a bank to be named in any part of Great Britain, the United States of America or Canada.

(3) Any debenture under this Act may be in any other form approved by the Minister, or may provide for the payment of principal or interest secured thereby in any other manner approved by the Minister.

(4) A debenture for the full amount or for a less amount than that mentioned in the by-law or a series of debentures aggregating such full amount or aggregating a less amount than is so mentioned may be issued, but whenever a series of debentures is so issued of the same denomination at the same time such of the series shall be distinguished by a mark or symbol different from the mark or symbol on the other debentures of the same issue, and the said mark or symbol respectively shall appear on the coupons attached to the debentures respectively bearing the like mark or symbol.

242. The total face value of all debentures issued by any municipality shall not be for a greater sum than five per cent. Limit for debentures of the assessed value of the land assessed in the municipality as shown by the last revised assessment roll thereof.

243. Debentures shall not carry interest at a greater rate Rate of interest than six per centum per annum.

244. Debentures issued for payment for the construction Term of debentures of iron or steel bridges or concrete culverts shall not, except as in the next succeeding sections provided, run for a longer period than thirty years and other debentures shall not, except as so provided, run for a longer period than twenty years and may be dated at any time within twelve months from the date on which notice of the authorization of the loan appears in *The Alberta Gazette* and the first instalment of principal and interest may be made payable at any time within eighteen months from the date of the debenture.

245. In the event of the first instalment of principal and Extension of term interest of any debenture being made payable at any time after one year from the date of the debenture as provided in the next preceding section such debenture may run for such longer term than twenty years as may be necessary to allow of repayment of the loan in nineteen years from the date of the payment of the first instalment of principal and interest.

246. Every debenture before being issued by the council Debenture to be counter-signed by Minister shall be sent for registration to the Minister who shall cause a proper record to be kept of the same.

247. The Minister or his deputy shall thereupon if satisfied Debenture to be counter-signed by Minister that the requirements of this Act have been substantially complied with and if the authority to make the loan has not been withdrawn register and countersign the debenture and such countersigning by the Minister or his deputy shall be conclusive evidence that the municipality has been legally constituted and that all the formalities in respect to such loan and the issue of such debenture have been complied with and the legality of the issue of such debenture shall be thereby conclusively established and its validity shall not be questioned by any court; but the

same shall to the extent of the revenues of the municipality issuing the same be a good and indefeasible security in the hands of any *bona fide* holder thereof. 1913 (2nd Session), c. 21, s. 18.

Debenture
register

248. The treasurer of every municipality shall open and keep a book to be known as "The Debenture Register" which shall be in such form as is prescribed by the Minister and in which shall be entered full particulars of every debenture issued by the municipality.

PART VII.

MUNICIPAL ASSESSMENT AND TAXATION.

ASSESSMENT.

Assessment
of land

249. All municipal taxes shall be levied equally upon all rateable land in the municipality according to the assessed value of such land and it shall be the duty of the assessor to make the assessment of such land in the municipality in the manner hereinafter provided.

Exemptions

250. In every municipality all land shall be liable to assessment and taxation subject to the following exemptions:

1. All lands belonging to Canada or to the province;
2. All lands held by or in trust for the use of any tribe of Indians;
3. The land to the extent of three acres held by or for the use of any school district erected under *The School Ordinance*;
4. The land to the extent of three acres held by or for the use of any church and occupied by a building used for church purposes;
5. The land in use as a public cemetery not exceeding twenty-five acres;
6. All land belonging to the municipality when held for the public use of the municipality;
7. The land of agricultural societies organized under *The Agricultural Societies Ordinance*;
8. All lands used by any institution for hospital purposes and not for any other purpose for hire or reward not exceeding two acres except such part as may have any other buildings thereon.

Assessment
to be made
prior to 1st
June in each
year

251. As soon as may be in each year but not later than the first day of June the assessor shall assess every person the owner or occupant of land in the municipality and shall prepare an assessment roll in which shall be set out as accurately as may be—

(a) The name of the owner of every lot or parcel of land in the municipality, which is liable to assessment, and the name of the occupant of any lot or parcel of land within the municipality, whose interest is liable to assessment, and the post office address, if known, of every such owner or occupant. 1913 (1st Session), c. 7, s. 30; 1913 (2nd Session), c. 21, s. 19.

(b) A brief description of each such lot or parcel of land, the number of acres which it contains and the assessed value thereof.

(2) Such assessment roll shall be as in the form following or to the like effect or in such form as may be prescribed from time to time by the Minister. 1914, c. 9, s. 17.

No.					
Land Assessed	Pt. of Sec.				
	S				
	T				
	R				
	M				
No. of Acres					
Assessed Value of Land					
Name of Owner					
P. O. Address of Owner					
Name of Occupant					
P. O. Address of Occupant					
Rate of Taxation		General			
		Debenture			
		Public			
		Separate			
		School			
Total Rate					
Date of Mailing Notice					
Initials of Secretary					
Total Tax for Current Year					
Arrears					
Total					
Date of Tax Notice					
Initials					
Amount Paid					
Receipt No.					

Mode of
assessment

252. Land shall be assessed at its actual cash value as it would be appraised in payment of a just debt from a solvent debtor, exclusive of the value of any buildings erected thereon or of any other increase in value caused by any other expenditure of labour or capital thereon.

If the value at which any specified land has been assessed appears to be more or less than its true value, the amount of assessment shall nevertheless not be varied on appeal if the value at which it is assessed bears a fair and just proportion to the value at which lands in the immediate vicinity of the lands in question, are assessed. 1913 (1st Session), c. 7, s. 31.

Provisions
for hamlet

253. If at the time of the preparation of the assessment roll there exists in the municipality any hamlet it shall be the duty of the assessor to assess every person the owner or occupant of land in such hamlet; and the assessor shall enter in the assessment roll—

1. The name and post office address, if known, of the owner or (if occupied) the occupant of each lot or parcel of land in the hamlet which is not exempt from taxation;

2. A brief description of each lot or parcel of land and the value thereof.

Information
for assessor

254. It shall be the duty of every person whose land is assessable to give the assessor all information necessary to enable him to make up the roll; but no statement made by any such person shall bind the assessor or shall excuse him from making inquiry as to its correctness.

Penalty

(2) Any person who refuses upon demand to give such information to the assessor or wilfully furnishes to the assessor false information shall be liable on summary conviction to a penalty not exceeding \$10.

Where
owner is
unknown

255. If the assessor does not know and cannot after reasonable inquiry ascertain the name of the owner of any unoccupied lot or parcel of land in the municipality the same shall be deemed to be duly assessed if entered on the roll with a note stating that such owner is unknown.

Fraudulent
assessment

256. If any assessor makes fraudulent assessment or wilfully or fraudulently inserts in the assessment roll the name of any person who should not be entered therein or wilfully or fraudulently omits the name of any person who should be inserted therein or wilfully neglects any duty required of him by this Act he shall be liable to a penalty not exceeding \$100.

Mailing
of notice

257. Upon the completion of the assessment roll as provided in section 251 hereof the assessor shall forthwith mail to each person whose name and address appear on the roll a notice of his assessment and the entry of the date of the mailing of such notice followed by the initials of the assessor shall be *prima facie* evidence of the mailing of such notice on the date entered without proof of the appointment or signature of the assessor and the absence of such date and initials shall be *prima facie* evidence that the person's address is unknown.

(2) When all of the said notices are mailed as herein provided the assessor shall forthwith transmit the said roll to the secretary of the municipality.

258. The assessor shall also within two weeks after the completion of the said roll post up a notice in the following form which notice shall be posted in the manner provided by section 100 hereof. Posting of
notice

"The Rural Municipality of No. Form
..... Assessment Roll, 19....

"Notice is hereby given that the assessment roll of the Rural Municipality of No. for the year 19.... has been prepared and is now open to inspection at the office of the secretary of the municipality from ten o'clock in the forenoon until four o'clock in the afternoon on every day not a public holiday except Saturday (and on that day from ten o'clock in the forenoon until two o'clock in the afternoon) and that any ratepayer who desires to object to the assessment of himself or of any other person must within twenty days after the date of this notice lodge his complaint in writing with the secretary of the municipality.

"Dated this..... day of 19....
A.B.,
Assessor."

259. Every notice of assessment given as provided by section 257 hereof shall be in such form as may be prescribed from time to time by the Minister; and every such notice shall contain a statement of the last date upon which complaints may be lodged with the secretary of the municipality as fixed by the public notice under section 258 hereof. Notice of
assessment

260. No assessment shall be invalidated by reason of any error, omission or misdescription in any assessment notice or by reason of the nonreceipt of such notice by the person to whom it was addressed. Error in
form of
assessment
notice

261. If any person thinks that he or any other person has been wrongly assessed or assessed too high or too low or that his name or the name of any other person has been wrongly inserted in or omitted from the roll he may within the time limited as aforesaid lodge a complaint with the secretary of the municipality and every such complaint shall contain a post office address to which any notice required may be sent to the complainant. Complaints
against
assessment

262. Every such complaint shall be in the following form: Form of
notice of
appeal

"To the secretary of the Rural Municipality of No.

"SIR,—I hereby appeal against assessment (or nonassessment) of..... on the following grounds (here state grounds of appeal).

"Dated this..... day of 19....

C.D.,
Appellant."

263. The secretary shall forthwith notify every such appellant and every other person whose assessment is affected or may Notice of
hearing

be affected thereby of the time and place of the sittings of the council to hear the said appeal.

When
meeting held

264. The council shall not call a special meeting to hear such appeals but the same shall be heard at the first regular meeting the date of which will allow the giving of the length of notice herein provided for.

Time of
notice

265. Every such notice shall be mailed by registered post to the post office address of such person, if any, entered on the assessment roll indicated in the notice of complaint at least fifteen days before the sitting of the council unless such person resides within the municipality in which case the secretary-treasurer shall cause the said notice to be served at such residence or so posted at least ten days before the sitting of the council.

Court of
revision

266. The council shall be the court of revision for revising the assessment roll.

List of
appeals

267. Before the sittings of the council the secretary shall prepare a list of the appeals in the following form which list shall be posted at the office of the secretary and shall continue so posted during the sittings of the council:

"Appeals to be heard by the council of the Rural Municipality of.....No..... on the..... day of....., 19....

Appellant	Respecting whom	Matter complained of
<i>A.B.</i>	<i>Self</i>	Overcharged on land
<i>C.D.</i>	<i>E.F.</i>	Name omitted
<i>G.H.</i>	<i>J.K.</i>	Not <i>bona fide</i> owner or tenant,
<i>etc.</i>	<i>etc.</i>	<i>etc.</i>

Clerk

268. The secretary shall be the clerk and secretary of the council in connection with assessment appeals.

(2) The clerk may when required so to do issue a summons to any person to attend as a witness at the court of revision; and if any person so summoned having been tendered compensation for his time at the rate of \$1 per day and mileage at the rate of ten cents per mile (both ways) where a railway is not available or actual railway fare (both ways) where a railway is available, disobeys such summons he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$50:

Proviso

Provided however that the council hearing the appeal may for good and sufficient reasons excuse such persons from attending before it and in such event no penalty shall be incurred by reason of such nonattendance.

Conduct of
hearing

269. The appeals shall be heard as far as possible in the order in which they stand upon the said list; but the council may adjourn or expedite the hearing of any appeal.

Non-
appearance

270. If the appellant or any other person whose assessment is affected or may be affected by the result of the appeal fails to appear in person or by an agent the council may proceed in his absence.

271. It shall not be necessary to hear upon oath the com- ^{Evidence}plainant or assessor or the person complained against except where the council deems it necessary or proper or where the evidence of the person is tendered on his own behalf or is required by the opposite party.

(2) All oaths necessary to be administered to witnesses giving evidence before the council may be administered by any member of the council hearing the appeal.

272. All the duties of the council as a court of revision shall ^{Termination of sittings} be completed by the first day of August and no appeal to the council shall be heard after that date except as provided in section 289 hereof. 1914, c. 9, s. 18.

273. Forthwith after the conclusion of the sittings the secretary ^{Amendment of roll} shall amend the assessment roll in accordance with the decisions of the council; every such amendment shall be made in ink of a different colour from that of the original roll and shall be verified by the initials of the secretary.

274. The roll with any amendments made as aforesaid shall ^{Adoption of roll} be the assessment roll of the municipality:

Provided that there shall be a right of appeal from the decision of the council to the judge of the District Court of the judicial district within which the municipality is wholly or partly situated, or in case portions of the municipality are situated within more than two judicial districts to the judge of the District Court of any such judicial district.

275. The council may at any time correct any gross and ^{Correction of errors} palpable errors in the roll and any corrections so made shall be initialled by the secretary.

APPEAL FROM COURT OF REVISION TO JUDGE.

276. An appeal to the judge shall lie not only against the ^{Appeal lies to judge} decision of the court of revision on an appeal but also against the omission, neglect or refusal of the said court to hear or decide an appeal to it.

277. The person appealing shall, in person or by agent, serve ^{Notice of appeal} upon the secretary of the municipality personally within eight days after the decision of the court of revision or in case of the omission, neglect, or refusal of the said court to hear or decide an appeal to it before the ninth day of August in any year, a written notice of his intention to appeal to a judge. 1913 (1st Session), c. 7, s. 32; 1914, c. 9, s. 19.

278. The secretary shall immediately after the time limited ^{Secretary to notify judge} for filing notices of appeal forward a list of the same to the judge of the District Court for the judicial district in which the municipality is wholly or partly situated; and such judge shall fix a day and place for the hearing of such appeals.

279. The secretary shall thereupon give notice to all parties ^{Notice to parties} appealed against in the same manner as is provided for giving notice on a complaint; but in the event of failure by the secretary

to have the required service in any appeal made or to have the same made in proper time the judge may direct service to be made for some subsequent day upon which he may sit.

Notice of
appeals

280. The secretary shall cause a conspicuous notice to be posted up in his office containing the names of all the appellants and parties appealed against with a brief statement of the ground or cause of appeal together with the time and place at which a court will be held to hear appeals.

Clerk of
court

281. The secretary shall be the clerk of such court.

Adjournment
of court

282. At any court so holden the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon for a period not exceeding one month from the date of the hearing of such appeal.

Production
and
amendment
of roll

283. At the court to be holden by the judge to hear the appeals the secretary of the municipality shall appear and produce the assessment roll and all papers and writings in his custody connected with the matter of appeal and such roll shall be altered and amended according to the decision of the judge, if then given, who shall write his initials opposite any part of the said roll in which any mistake, error or omission is corrected or supplied; and if the decision is not then given the secretary of the municipality shall when the same is given forthwith alter and amend the roll according to the same and shall write his name opposite every such alteration or correction.

Witnesses

(2) In all such proceedings the judge shall possess all such powers for compelling the attendance of and for the examining on oath of all parties whether claiming or objecting or objected to and all other persons whatsoever and for the production of books, papers, and documents and for the enforcement of his orders, decisions and judgments as belong to or might be exercised by him in the District Court.

284. All process or other proceedings in about or by way of appeal may be entitled as follows:

"In the matter of appeal from the court of revision of the Rural Municipality of

"Between:

A.B., Appellant,

and *C.D., Respondent."*

Costs

285. The costs of any proceedings before the judge as aforesaid shall be paid by or apportioned between the parties in such manner as the judge thinks proper; and where costs are ordered to be paid by any party the same shall be enforced by execution to be issued as the judge may direct from the District Court or in the same manner as upon an ordinary judgment for costs in such court.

Taxation

286. The costs chargeable or to be awarded in any case shall be the costs of witnesses and of procuring their attendance and none other, the same to be taxed according to the allowance in the District Court for such costs; and in case where execution issues the costs thereof as in the like court and of enforcing the same may also be collected thereunder.

287. The decision and judgment of the judge shall be final and conclusive in every case adjudicated upon. Decision of judge final

288. If at any time before the fifteenth day of September it is discovered that any person liable to assessment is not assessed or that there is any error in any of the particulars contained in the roll the council may direct the secretary to enter the name of such person on the roll or to correct the error and every such entry or correction shall be dated and initialled by the secretary. Council may order addition to roll
1914, c. 9, s. 20.

289. In the event of any such addition to or correction of the roll without the knowledge or consent of the person or persons affected thereby a notice as required by section 257 hereof shall be mailed by registered post to the post office address of such person or persons by the secretary; and every such person shall be given every reasonable opportunity to complain or appeal against the said assessment and all complaints and appeals so made shall be heard and determined as nearly as may be in the manner provided by this Act. Notice to persons affected by correction of roll

290. When the roll is finally completed the secretary shall over his signature enter at the foot of the last page of the roll the following certificate filling in the date of such entry: "Roll finally completed this.....day of.....19...."; and the roll as thus finally completed and certified to shall be valid and bind all parties concerned subject to amendment on appeal to the court of revision and to further amendment on appeal to the District Court judge notwithstanding any defect or error committed in or with regard to such roll or any defect, error or misstatement in any notice required by this Act or any omission to deliver or to transmit any such notice. Binding effect of amended roll

291. A copy of the roll or of any portion thereof written or printed without any erasure or interlineation and under the seal of the municipality certified to be a true copy by the secretary shall be received as *prima facie* evidence in any court of justice without the production of the original assessment roll. Evidence of roll

TAXATION.

292. The council of every municipality shall as soon as practicable in each year prepare in detail an estimate of the probable expenditures of the municipality for the year and such estimates shall include the sum or sums required to repay any temporary loan or to meet any debenture coupons which may fall due during the year. Estimates

293. Upon the completion of the said estimate the secretary shall lay before the council the revised assessment roll of the municipality for the year certified to as provided by section 290 hereof and the council shall by resolution authorize the treasurer of the municipality to levy upon all lands entered in the said roll such tax at a uniform rate on the dollar as shall be deemed sufficient to meet the said estimate of expenditures; and in fixing the said rate the council shall make due allowance for the nonpayment of taxes. Levy of rate

Uniform
rate of
taxation

294. The uniform rate of taxation to be authorized by the council as provided in the next preceding section shall not in any one year exceed one per cent. of the assessed value of the land shown on the last revised assessment roll:

Provided that in the case of any municipality which has raised a loan by way of debentures the council may in any year if deemed advisable increase the said maximum rate by such additional rate as shall be sufficient to meet any debenture coupons that may be accruing due during the year:

Provided further that in the case of any municipality, which forms part of a hail insurance district, the council may in any year, if deemed advisable, increase the said maximum rate by such additional rate as shall be sufficient to meet any payment required to be made to the secretary-treasurer of such hail insurance district:

Provided further that taxes imposed at any time under *The Local Improvement Act* upon lands within the municipality may be collected by the municipality and when so collected shall form part of the general revenue of the municipality.

School
rates

295. In case any municipality includes within its limits the whole of any rural school district erected under *The School Ordinance*, which has not been declared a village or town district for purposes of assessment, as provided by *The School Assessment Ordinance*, it shall be the duty of the council through its proper officers notwithstanding anything to the contrary in *The School Assessment Ordinance* to impose and collect such rates on the land and other property of the persons liable to assessment for school purposes in such district as will meet the estimated expenditure set forth in the resolution of the trustees of the district, and such rates and taxes shall be collected in the same manner as all other rates and taxes of the municipality. 1913 (1st Session), c. 7, s. 33; 1914, c. 9, s. 21.

(2) If any rural school district lies in more than one municipality, the secretary-treasurer of each municipality, shall each year on the completion of the assessment roll, furnish the board of trustees with a list of the assessable lands of the district in the municipality, and the said board shall before the first day of March in each year, prepare a detailed estimate of the expenditure for the year, and a cash valuation of all the assessable lands of the district in each municipality. The estimated expenditure shall be divided among the municipalities on the basis of this valuation and the council of each advised thereof, and such amounts shall be levied and collected by the municipalities in the same manner as municipal taxes. 1913 (2nd Session), c. 21, s. 20; 1914, c. 9, s. 21.

(3) If any rural school district is situated partly within the boundaries of one or more municipalities and partly outside the boundaries of any municipality the board of trustees in such district shall before the first day of March in each year prepare a detailed estimate of the probable amount of the expenditure for the year and shall determine, having regard to the amount and value of the assessable land lying outside of the boundary of any such municipality, the amount to be contributed from each municipality for the purposes of the school district and shall forward a requisition to the council of such municipality who shall levy such rate and collect the same in the same manner

as municipal taxes and pay the same to the board of trustees of such school district forthwith after collection. 1914, c. 9, s. 21.

(4) The board of trustees of such rural school district shall strike a rate and levy the taxes upon the lands in the part of the district not included within the boundary of any municipality. Such taxes shall be imposed upon such property as would be liable to assessment and taxation, if such portion of the school district were within the boundaries of the rural municipality and all the provisions in regard to the levying of assessment, the imposition of taxes including the provisions in regard to appeals, distress for taxes, recovery of taxes by suit, and forfeiture for nonpayment of taxes in this Act contained shall apply to such assessment and collection of taxes in such portion of any school district. 1914, c. 9, s. 21.

(5) Where any such rural school district has been organized during the then current year, the duties imposed upon the board of trustees by this and the next following section shall be performed within one month from the date of such organization and in any case where the estimate of the board of trustees has not been received before the completion of the tax roll the council shall impose such special rate as will meet the amount of such estimate and shall levy and collect such rate in the same manner as other municipal rates and taxes. 1914, c. 9, s. 21.

296. On or before the first day of March in each year the board of trustees of every such rural school district shall transmit ^{Demand from school trustees} to the treasurer of each municipality in which the district is situated in whole or in part as by section 295 provided—

- (a) A map or plan showing the area and the boundaries of the said district;
- (b) An estimate of the expenditure of the district for the year; 1915, c. 16, s. 5.
- (c) A certified copy of a resolution of the board of trustees setting forth the amount estimated to be required for school purposes. 1913 (2nd Session), c. 21, s. 21; 1914, c. 9, s. 22; 1915, c. 16, s. 5.

297. On or before the first day of September in each year the treasurer of every municipality shall enter in the assessment roll for the year in the several columns provided for the purpose as shown in the form contained in section 251 hereof a statement of all taxes levied against each lot or parcel of land assessed as shown by the said roll and every such statement when completed shall show—

- (a) The rate on the dollar levied by the municipality to meet the estimated expenditures of the municipality as heretofore provided;
- (b) The rates to be levied by the treasurer on the land of the school districts situated in the municipality, as in section 295 provided; 1913 (2nd Session), c. 21, s. 22.
- (c) The sum total of the rates levied against each lot or parcel of land;
- (d) The total taxes due for the current year on each lot or parcel of land;
- (e) The arrears of taxes levied under any authority due on each lot or parcel of land;
- (f) The sum total of all taxes due on each lot or parcel of land;

(g) The rate fixed by *The Educational Tax Act* on lands outside of organized school districts. 1913 (2nd Session), c. 21, s. 22.

Minimum
municipal
tax

(2) In the event of the tax payable on any lot in any subdivision or plan, or on any fraction of a quarter section under this section for the purposes of the municipality being less than twenty-five cents, the tax to be entered on the roll as payable for such purposes shall be twenty-five cents. 1913 (2nd Session), c. 21, s. 23; 1914, c. 9, s. 23; 1915, c. 16, s. 6.

Minimum
school tax

(3) In the event of the tax payable on any lot in any subdivision or plan, or on any fraction of a quarter section under this section for school purposes being less than twenty-five cents, the tax to be entered on the roll as payable for such purposes shall be twenty-five cents. 1913 (2nd Session), c. 21, s. 24; 1914, c. 9, s. 23; 1915, c. 16, s. 6.

(4) In case of land held under grazing lease or permit from the Government of Canada the tax payable on any quarter section or portion thereof for the purposes of the municipality shall not exceed \$1.20. 1914, c. 9, s. 23.

(5) In the case of land held under grazing lease or permit from the Government of Canada no tax shall be payable on any quarter section or portion thereof for school purposes under this Act. 1914, c. 9, s. 23.

Mailing
tax notice

298. The treasurer shall mail to each person whose name appears on the assessment roll and to the address shown therein notice of the amount of taxes due by such person in respect of the land for which he is assessed; and the entry of the date of mailing each such notice followed by the initials of the treasurer on the roll shall be *prima facie* evidence of the mailing of the notice on the date entered without proof of the appointment or signature of the treasurer and the absence of any entry of such date and initials shall be *prima facie* evidence that the person's address is unknown.

(2) Every such notice shall show the property assessed, the several rates of taxation for the current year as hereinbefore mentioned, the total taxes levied for the current year, the arrears of taxes and the total taxes due and shall be in such form as may from time to time be approved by the Minister.

Taxes,
when due

299. All taxes levied under the provisions of this Act, except as otherwise provided, shall be deemed to be due on the first day of January in the year in which they are imposed and shall be payable at the office of the treasurer of the municipality.

Taxes a lien
on land

300. The taxes accruing upon or in respect of any land not exempt from taxation in the municipality shall be a special lien upon such land having priority over any claim, lien, privilege or encumbrance thereon except claims of the Crown. 1913 (1st Session), c. 7, s. 34.

Penalty for
nonpayment
of taxes

301. In the event of any taxes remaining unpaid after the fifteenth day of December of the year for which the same are levied there shall be added thereto by way of penalty a sum equal to five per centum of the amount of taxes remaining unpaid and in the event of any taxes or any part thereof remaining unpaid on the first day of July next following there shall be

added thereto by way of penalty an additional sum equal to five per centum of the amount of such taxes at that date remaining unpaid and the same additional sum shall be added thereto in the same manner upon any taxes remaining unpaid half-yearly upon the first days of January and July in each year following; and such amount or amounts so added shall form a part of the taxes which by section 300 hereof are created a special lien upon the land; nothing in this section contained shall be construed to extend the time for payment of the said taxes nor in any way to impair the right of distress or any other remedy provided by this Act for the collection of the said taxes. 1915, c. 16, s. 8.

302. The treasurer shall enter with the date of receipt all amounts paid him for taxes on the assessment roll opposite the lot or parcel of land for which such payment is made and he shall issue an official receipt for every such payment in such form as may from time to time be approved by the Minister. Receipt
book for
taxes

303. The treasurer shall upon the written request of any person assessed who pays only a portion of the taxes due by him credit such person in the assessment roll as having paid such taxes as such person may select provided that if arrears of taxes are due by such person the taxes received shall first be applied in payment of such arrears. Arrears
first charge
on tax
payment

304. In case any person only pays a portion of the taxes due by him and such person does not as provided in the next preceding section signify the manner in which such taxes are to be applied the treasurer shall first apply such taxes in payment of any arrears due by such person and the remainder of the taxes so paid, if any, shall be applied in payment of the taxes levied for the current year as the treasurer may direct. Arrears
first charge
on tax
payment

305. In case any person fails to pay the taxes assessed against him within thirty days from the mailing of the tax notice provided by section 298 hereof the treasurer may by himself or his agent levy the same with costs by distress in the same manner as the landlord may recover rent in arrears— Distress
for taxes

1. Upon the goods or chattels belonging to or in the possession of the owner or occupant of the land whose name appears on the roll and who is hereinafter called "the person taxed"; or

2. Upon the interest of the person taxed in any goods found on the land including his interest in any goods to the possession of which he is entitled under a contract for purchase or under a contract by which he may become the owner thereof upon performance of any condition; or

3. Upon any goods or chattels of the owner of the land although the name of such owner does not appear upon the roll; or

4. Upon any goods and chattels on the land where the title to such goods and chattels is claimed in any of the ways following:

(a) By virtue of an execution against the person taxed or against the owner though his name does not appear on the roll; or

(b) By purchase, gift, transfer or assignment from the person taxed or from such owner whether absolute or in trust or by way of mortgage or otherwise; or

- (c) By the wife, husband, daughter, son, daughter-in-law, or son-in-law of the person taxed or of such owner or by any relative of his in case such relative live on the land as a member of the family; or
- (d) By virtue of any assignment or transfer made for the purpose of defeating distress.

(2) The treasurer shall by advertisement posted up in at least five widely separated conspicuous places in the municipality give at least ten days' public notice of the time and place of sale and the name of the person if known for payment of whose taxes the property is to be sold and the time named in the notice the treasurer or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes due with all lawful costs including \$2 for posting notices.

(3) If the property distrained has been sold for more than the amount of taxes and costs and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus it shall be paid to the person in whose possession the property was when the distress was made.

(4) If the claim is contested such surplus money shall be paid over by the treasurer to the clerk of the District Court for the judicial district within which such municipality is wholly or mainly situated; or if portions of the municipality are situated within more than two judicial districts to the clerk of the District Court of any such judicial district.

Suit for taxes

306. Any taxes or arrears of taxes due to the municipality or levied by it may be recovered by suit in the name of the municipality as a debt due to the municipality; in which case the assessment roll shall be *prima facie* evidence of the debt.

(2) For the purposes of this section all taxes shall be deemed to be due on the day on which the tax notices provided by section 298 hereof were mailed as shown by the assessment roll.

Taxes on area created a village

307. All taxes due on any land included in a municipality but which may thereafter be withdrawn therefrom and comprised within the limits of a village, town or city shall continue to remain as taxes due to the municipality; and for the purposes of the collection of such taxes the said land shall be deemed to be in the municipality and all the provisions of this Act with respect to the collection of such taxes shall apply:

Provided that in the case of such taxes due on land comprised within the limits of a village the treasurer of such municipality shall as such taxes are collected pay over to the council of the village one-half of the amounts received.

Deficiency in school taxes to be made up from general fund

308. It shall be the duty of the council to pay to each rural school district the amount of the total estimate transmitted by the school board under the provisions of section 296 hereof in quarterly instalments commencing with the thirty-first day of March in each year; provided, however, that in any case where the quarterly instalment is not sufficient to meet the

immediate requirements of the school board, the council shall be required to pay to the school board on demand the additional amount required.

(2) In the event of the council failing to pay to the rural school district the amount required from time to time for school purposes, such amounts shall become a debt due, owing and payable by the municipality to each rural school district; provided, however, that such debt may not be recovered by suit at law on behalf of any person unless permission to enter such suit is granted by the Minister of Education. 1913 (1st Session), c. 7, s. 35; 1915, c. 16, s. 9.

FORFEITURE OF LAND FOR NONPAYMENT OF TAXES.

309. The treasurer of every municipality shall during the month of January in each year prepare a separate statement to be known as "The Tax Enforcement Return"; and the treasurer shall enter in such return the following information in the columns provided for the purpose:

1. The name and post office address of each person whose name appears on the last revised assessment roll of the municipality and who has not paid all taxes due by him to the municipality for the year next preceding the preparation of the said return or for any former year;

2. A description of each lot or parcel of land for which each person is assessed and the value thereof;

3. A statement of the taxes due by each such person on each lot or parcel of land for which he is assessed including the taxes of the next preceding year and showing the years for which all such taxes were levied.

310. When duly prepared as provided in the next preceding section the treasurer shall submit the tax enforcement return to the auditor of the municipality who upon auditing the same and upon being satisfied that the said return is correct shall endorse thereon the following statutory declaration:

"I,....., auditor of the Rural Municipality of.....No....., hereby solemnly declare that I have audited the above return and that to the best of my knowledge and belief it is correct in every particular.

"And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

"Declared before me at..... }
this.....day of..... }
19..... } Auditor.

.....
A Comr., J.P. or N.P."

311. The said return as thus verified by the auditor of the municipality shall for all purposes be *prima facie* evidence of the validity of the assessment and imposition of the taxes as shown therein and that all steps and formalities prescribed by this Act have been taken and observed.

Treasurer
to collect
arrears

312. The lands shown on the said return shall continue liable to assessment and taxation in the same manner as other lands in the municipality unless and until they become vested in the municipality as hereinafter provided and the treasurer shall continue to collect arrears of taxes due to the municipality as shown by the said return and all taxes accruing due after such date, including any penalties imposed under the provisions of section 301 hereof, and upon receipt of any such payment he shall enter in the return the amount paid followed by his initials and the date of payment.

Court of
confirmation
of the said
return

313. On the application of the treasurer of the municipality or some solicitor authorized by the council to the judge of the District Court within whose judicial district the municipality is wholly or partly situated such judge may appoint a time and place for the holding of a court of confirmation of the said return notice of which shall be published in every issue of *The Alberta Gazette* for two months and once each week for at least eight weeks in such newspaper published in the vicinity of the lands entered on the said return as shall be named by the judge.

(2) If portions of any municipality are situated in more than two judicial districts the judge of the District Court of any such judicial district shall have jurisdiction under the provisions of this section.

Notice of
confirmation
court

314. A notice of the time and place fixed for confirmation of such return shall be sent by registered mail by the treasurer of the municipality at least sixty days prior to the time so fixed to each person who appears by the records of the land registration district within which the lands lie or by the said return to have any interest in the lands mentioned in the said return in respect of which confirmation is desired and whose post office address is shown by said records or return; and the entry against such lands in the said return of the date of mailing such notice together with the signature or initials of the treasurer shall without proof of the appointment or signature or initials of the treasurer be *prima facie* evidence that the required notice was duly mailed on the date so entered.

Such notice shall be in the following form:

"In the matter of the court of confirmation of the tax enforcement return of the Rural Municipality of.....

"Take notice that His Honour Judge....., judge of the District Court of the District of..... has appointed..... the..... day of.....

19...., for the holding of the court of confirmation to confirm the tax enforcement return of the Rural Municipality of.....

"And further take notice that you appear to have an interest in (*here insert full description of the land mentioned in the said tax enforcement return*).

Dated the..... day of..... 19....

Secretary-Treasurer of the Rural Municipality of....."

1913 (1st Session), c. 7, s. 36; 1914, c. 9, s. 24.

Payment of
arrears after
date fixed for
confirmation
of return

315. If after the date for confirmation has been fixed as provided for by section 213 hereof but before the court of confirmation has been held, any person interested in any parcel of

land contained in the return presented to the judge for confirmation desires to pay the taxes due upon such land as shown by the said return, such person may do so on condition that he pays in addition thereto the amount chargeable against such parcel of land for costs of application to the judge, advertising, postage, and all other expenses in connection with such proceedings, and any sum so paid shall form part of the general revenue of the municipality. 1915, c. 16, s. 10.

316. At the time and place appointed as hereinbefore provided the judge shall hear the application and also any objecting parties and the evidence adduced before him under oath and thereupon adjudge and determine whether or not the taxes imposed respectively upon each lot or parcel of land included in the tax enforcement return were either wholly or in part in default and report the adjudication to the treasurer of the municipality and shall also confirm the said return as to those lands on which any taxes are determined to be in arrears, naming the amount of such arrears and adding thereto a reasonable amount for the expenses of advertising, postage and other work in connection with the tax enforcement return together with such amounts as he may fix for the costs of the application; and the effect of such adjudication when registered as hereinbefore provided for shall be to vest in the municipality the said lands freed from all liens, mortgages and encumbrances of every nature and kind whatsoever subject, however, to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by payment to the treasurer of the municipality of the amounts named including expenses as aforesaid together with any taxes which may have accrued on the said lands since the date of such adjudication including any penalties imposed under the provisions of section 301 hereof. 1913 (1st Session), c. 7, s. 37; 1914, c. 9, s. 25; 1915, c. 16, s. 10.

(2) In the event of any person successfully opposing confirmation of the said return as to the land in which he is interested the judge may order an allowance to him as witness fees to be paid by the municipality.

(3) A copy of such adjudication certified by the treasurer shall be forwarded by registered mail to the registrar of titles of the land registration district in which the lands named in the adjudication or any of them are situated; and it shall be the duty of the registrar to register the same against the lands therein named.

(4) A copy of such adjudication shall also be sent by registered mail to the persons to whom by section 314 hereof notice of the time and place fixed for confirmation of the return is required to be sent and such persons or any of them shall be entitled to redeem the lands as hereinafter provided.

(5) The treasurer of the municipality shall after the expiration of ten months and before the expiration of eleven months from the date of such adjudication cause to be published in *The Alberta Gazette* and also in a newspaper published within the municipality or if there is no newspaper published within the municipality, in the newspaper published nearest thereto, a notice stating that the land named therein has been forfeited for nonpayment of taxes and stating the time at which the period of redemption

provided by law will expire; and shall also not less than 30 days and not more than 60 days before the time at which the period of redemption provided by by-law shall expire, send a copy of such notice by registered mail to the persons to whom by section 314 hereof notice of the time and place fixed for confirmation of the return is required to be sent. 1915, c. 16, s. 12.

(6) Such clause shall be in the following form:

"Take notice that the tax enforcement return of the Rural Municipality of.....was confirmed in respect of the herein described lands at the court of confirmation held at.....on the.....day of.....19...., and unless such lands are redeemed on or before the.....day of.....19...., the same will be absolutely forfeited for nonpayment of taxes.

"Dated this.....day of.....19....

Secretary-Treasurer of the Rural Municipality of
1913 (1st Session), c. 7, s. 37.

"You appear to be interested in the following lands (*here insert full description of the lands*). The amount required to redeem this parcel is \$....., made up as follows:

"Amount due as shown by tax enforcement return.....	\$.....
"Taxes accrued since that date.....	\$.....
"Expenses of advertising, etc.....	\$.....
"Costs.....	\$.....
"Redemption fee.....	\$....."

Payment of
taxes to
treasurer after
confirmation

317. When the taxes on any parcel of land together with the expenses and redemption fee provided for in section 316 hereof have been paid to the treasurer within one year from the date of the said adjudication the treasurer shall issue to the person paying the taxes a certificate in the form following verified by an affidavit of attestation in the form following which certificate shall on presentation to the registrar of the land registration district in which the lands named are situated be registered by him free of charge and the said certificate when so registered shall discharge and release the said land for the said adjudication and the effect thereof. 1913 (1st Session), c. 7, s. 38.

"The Rural Municipality Act.

"CERTIFICATE OF REDEMPTION.

"This is to certify that the following lands, viz.:

as to which an adjudication under the provisions of section 316 of *The Rural Municipality Act* bearing date the.....day of.....was made by His Honour.....judge of the District Court of the judicial district of.....in the Province of Alberta, have been, under the provisions of the said section, redeemed and the said lands are therefore discharged and released from the said adjudication and the effect thereof.

"Dated at.....this.....day of.....19....
"Witness....."

"AFFIDAVIT OF ATTESTATION.

"Canada:

Province of Alberta.

To Wit:

"I,.....
of.....in the Province of Alberta,
(*occupation*) make oath and say:

"1. That I was personally present and did see.....
named in the within instrument who is personally known to me
to be the person named therein, duly sign and execute the same
for the purposes named therein.

"2. That the same was executed at the.....
of.....in the Province of Alberta, and that I am
the subscribing witness thereto.

"Sworn before me at.....
of.....in the Province }
of Alberta this..... }
day of.....A.D. 19.... }

.....
A J.P., Comr., or N.P. (or as the case may be.)"

318. If after the expiration of one year from the date of the said adjudication the taxes which had accrued due to that date both before and after the date of adjudication together with any penalties imposed under the provisions of section 301 hereof and the expenses and redemption fee as provided in section 316 hereof have not been paid to the treasurer the registrar on the written application of the treasurer shall issue a certificate of title under the provisions of *The Land Titles Act* in favour of the municipality freed from all liens, mortgages and encumbrances of every nature and kind whatsoever. 1913 (1st Session), c. 7, s. 39.

(2) Such application shall be in the following form:

"The Registrar of the.....Land Registration District.

"The Rural Municipality of.....hereby makes application to be registered as owner of (*here insert full description of land*) being land as to which the tax enforcement return of the said rural municipality was confirmed at the court of confirmation held on the.....day of.....19.... and which has not been redeemed.

"Dated this.....day of.....19....

.....
Secretary-Treasurer of the Rural Municipality of
1913 (1st Session), c. 7, s. 39.

(3) Every such application shall be accompanied by a statutory declaration by the secretary-treasurer of the rural municipality in the following form:

"In the matter of *The Rural Municipality Act* and in matter of an application of the Rural Municipality of.....
for the issue of a certificate of title to (*here insert full description of the land*).

"I,....., the Secretary-Treasurer of the Rural Municipality of.....make oath and say:

"1. That I have knowledge of the matters hereinafter deposed to.

"2. That the court of confirmation held at.....
on the.....day of.....the tax enforcement return
of the said rural municipality was confirmed in so far as such
tax enforcement return affects these lands.

"3. That the notice hereto annexed was, after the expiration
of ten months and before the expiration of eleven months
published in *The Alberta Gazette* and was published in the.....
(the newspaper published in the village or having a circulation
in the village, *as the case may be*).

"4. That a similar notice and also a statement showing the
amount required to redeem such lands was mailed not more than
sixty days nor less than thirty days before the expiration of the
time limited for redemption to each person appearing by the
record in the land titles office for this land registration district
to have any interest in such land.

"Sworn before me at.....
in the Province of Alberta }
this....day of.....19.. }

1913 (1st Session), c. 7, s. 39.

.....
A Commissioner, etc."

319. Each parcel of land included in a certificate of title
in favour of a rural municipality under section 318 hereof shall
while same is owned by the rural municipality be assessed in
the name of the rural municipality for all taxes required to be
levied as if the same were assessed to an ordinary individual.
1915, c. 16, s. 15.

Forfeited
land may
be sold

320. Any lot or parcel of land which becomes the property
of the municipality in the manner provided by section 316 hereof
may subject to the approval of the Minister be sold, leased or
otherwise disposed of by the council of the municipality on such
terms and conditions as it may fix.

(2) Where any land has been sold under the provisions of
this section, any balance remaining after the payment of all taxes,
costs, charges, and expenses up to and including the date of
such sale shall be paid by the municipality to the person as against
whom such land was forfeited and such person may sue for and
recover the same with costs in any court of competent jurisdiction.
1914, c. 9, s. 26.

PART VIII.

MISCELLANEOUS.

PENALTIES.

Penalties for
non-
performance
of duties

321. Any secretary, treasurer or other officer of a municipality
who refuses, neglects or fails to discharge the duties of his office
or who knowingly signs any false statement, report or return
required by this Act or any law in force in the province or who
refuses or neglects to hand over to his successor in office or such
persons as may be designated in writing to him by the council
or by the Minister all moneys, books, papers, and other property
of the municipality in his possession in addition to any civil

liability which he may incur shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$50.

322. All fines, penalties and forfeitures mentioned in this Act may be recovered and enforced with costs on summary conviction before a justice of the peace unless otherwise provided. Recovery of penalties

323. All moneys accruing from fines or penalties under this Act otherwise than from violations of municipal by-laws shall unless otherwise provided belong to the general revenue fund of the Province of Alberta. Penalties to go to general revenue fund of province

ACTIONS BY AND AGAINST MUNICIPALITY.

324. Where duties, obligations or liabilities are imposed by law upon any person, company or corporation or where contracts or agreements are or have heretofore been created, enacted or validated by any statutes imposing such duties, obligations or liabilities the municipality shall have the right by action to enforce such duties or obligations and the payment of such liabilities and to obtain as complete and full relief and to enforce the same remedies as could have been maintained, obtained and enforced therein by the Attorney General had he been a party to the said action as plaintiff or a plaintiff upon the relation of any person interested. Rights as in proceedings

325. In case a by-law, order or resolution is illegal in whole or in part or in case anything has been done under it which by reason of such illegality gives any person a right of action no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed nor until one month's notice in writing of the intention to bring the action has been given to the municipality; and every such action shall be brought against the municipality alone and not against any person acting under the by-law, order or resolution. Notice of action in certain cases

326. In case the municipality tenders amends to the plaintiff or his solicitor if such tender is pleaded and if traversed, proved and no more than the amount tendered is recovered the plaintiff shall have no costs; but costs shall be taxed to the defendant on such scale as the presiding judge may direct and shall be set off against the amount recovered; and the balance due to either party may be recovered as in ordinary cases. Tender of amends

(2) The council of any municipality upon any claim being made or action brought for damages for alleged negligence on the part of the municipality may tender or pay into court, as the case may be, such amount as they may consider proper compensation for the damage sustained; and in the event of the nonacceptance by the claimant of such tender or of the amount paid into court, and of the action being proceeded with, and no greater amount being recovered than the amount so tendered or paid into court, the costs of suit shall be awarded to the defendants and set off against any amount recovered against them.

Disqualification
of member
not to
invalidate
proceedings

327. No proceedings of the council or of any committee of the council or of any person acting as chairman or member of the council or of a committee shall be invalidated by reason of any defect in the appointment or election of or any disqualification of any such person.

HAIL INSURANCE.

328 to 337(b) (*Repealed*—1915, c. 16, s. 13.)

EXECUTIONS AGAINST RURAL MUNICIPALITIES.

Procedure
on writs of
execution in
sheriff's
hands

338. Any writ of execution against a municipality may be endorsed with a direction to the sheriff of the judicial district in which the municipality is wholly or mainly situated to levy the amount thereof by rate and the proceedings thereon shall be as follows:

Copy writ to
be delivered
to treasurer
Demand for
payment

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer with a statement in writing of the amount required to satisfy such execution including the amount of interest thereon and sheriff's fees and demand the payment of the same;

Execution
rate

2. In case the amount demanded is not paid to the sheriff within thirty days after such delivery the sheriff shall examine the assessment roll of the municipality and shall in like manner as rates are struck for general municipal purposes strike a rate sufficient to cover the amount claimed as aforesaid with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage up to the time when such rate will probably be available;

Sheriff's
precept to
treasurer.

3. The sheriff shall thereupon issue a precept or precepts under his hand and seal of office directed to the treasurer and shall annex thereto the roll of such rate and shall by such precept after reciting the writ and that the municipality had neglected to satisfy the same and referring to the roll annexed to the precept command the treasurer to levy such rate at the time and in the manner by law required in respect to the general annual rates;

Levy of
special rate

4. At the time for levying the annual rates next after the receipt of such precept the treasurer shall add a column to the tax roll headed: "Execution rate in A.B. versus the Rural Municipality of No. (*as the case may be*)" adding a similar column if there are more executions than one and shall insert therein the amount by such precept or precepts to be levied upon each person respectively and shall levy the amount of such execution rate as aforesaid and shall within the time that is required to make the returns of the general annual rate return to the sheriff the precept or precepts with the amount levied thereon deducting his percentage;

Surplus

5. The sheriff shall after satisfying the execution and all fees thereon return any surplus within ten days after receiving the same to the treasurer for the general purposes of the municipality;

Treasurer's
percentage

6. In case the treasurer of any municipality against which an execution has issued is not paid by percentage fixed by by-law he shall be paid for such collections a sum not exceeding two and one-half per centum;

Treasurer
and assessor
officers of
court

7. The treasurer and the assessor shall for the purposes of carrying into effect or permitting or assisting the sheriff to carry

into effect the provisions of this Act with respect to such execution be deemed to be officers of the court from which such writ issued and as such may be proceeded against by attachment, *mandamus* or otherwise to compel them to perform the duties hereby imposed on them.

339. At a first election, notwithstanding anything herein contained, if land not situated in any hamlet is jointly owned or occupied by more than four persons only those of such joint owners or occupants to the number that there are half sections of the land so jointly owned or occupied first presenting themselves for the purpose of voting hereunder shall be deemed to be the owners or occupants of such land within the meaning of clause 6 of section 2. Assessment of and voting by joint owners

(2) At such first election if land situated in any hamlet is jointly owned or occupied by more than one person only those of such joint owners or occupants to the number that there are lots so jointly owned or occupied first presenting themselves for the purpose of voting herein shall be deemed the occupants of such land.

(3) For the purposes of any subsequent election when land not situated in any hamlet is so jointly owned or occupied by more than four persons the assessor shall in assessing such land enter the names of all such persons on the assessment roll, but only those of such joint owners or occupants to the number that there are half sections so jointly owned or occupied first presenting themselves for the purposes of voting hereunder shall be deemed owners or occupants of such land within the meaning of clause 6 of section 2.

(4) For the purposes of any subsequent election when land situated in any hamlet is jointly owned or occupied by more than one person the assessor when entering or assessing such land shall enter the name of all such persons in the assessment roll but only those of such joint owners or occupants to the number that there are lots so jointly owned or occupied first presenting themselves for the purpose of voting hereunder shall be deemed the owners of such land within the meaning of clause 6 of section 2.

DISSOLUTION OF LOCAL IMPROVEMENT DISTRICT.

340. Whenever a large or small local improvement district or a portion thereof is organized as a municipality under this Act, or is included within a municipality organized under this Act such local improvement district or part thereof shall on, from and after the date of such organization or inclusion as aforesaid cease to be a local improvement district or part thereof; and all property assets, rights and liabilities of such local improvement district or part thereof as existed at the date of such organization or inclusion shall be deemed and taken for all purposes to be property assets, rights and liabilities of the municipality and all remedies that were available for the collection of any taxes within such local improvement district or part thereof shall be available to the municipality in all respects as though such taxes or arrears had originally been due to the municipality. Disposition of assets and liabilities on dissolution of local improvement districts and disposition of assets, etc., of local improvement district organized as a municipality

Minister to
settle disputes

341. All questions arising upon the organization of a local improvement district or districts into a municipality under this Act or upon the inclusion of a portion or portions of any local improvement district or districts in a municipality organized under this Act as to the division or apportionment of the assets and liabilities of such local improvement district or districts or part or parts thereof, or otherwise shall unless other provision for the settlement or adjudication of the same has been made in this or any other Act be determined finally and without appeal by the Minister, and the Minister may give such orders and directions as shall be necessary to give effect to his decisions.

1911-12

CHAPTER 4.

An Act to amend the Statute Law.

(Consolidated in various Acts.)

1911-12

CHAPTER 5.

An Act to Regulate Travelling on Public Highways and Bridges.

(Assented to December 20, 1911.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

CITATION.

1. This Act may be cited as "*The Highways Act.*"

Citation

2. In this Act the term or expression "highway" shall mean and include any public highway or road, street, lane, alley, park, parkway, driving or public place within or outside of any city, town or village.

Interpretation

3. If a person travelling or being upon a highway in charge of a motor vehicle or of a vehicle drawn by one or more horses, or one or more other animals, meets another motor vehicle or a vehicle drawn as aforesaid, he shall turn out to the right from the centre of the road, allowing to the motor vehicle or vehicle so met one-half of the road.

Carriages, etc., meeting to turn to right

(2) If a person travelling or being upon a highway in charge of a motor vehicle or of a vehicle as aforesaid meets a person travelling upon a bicycle or tricycle he shall, where practicable, allow the person travelling upon the bicycle or tricycle sufficient room on the travelled portion of the highway to pass to the right.

Bicycles and tricycles

4. If a person travelling or being upon a highway in charge of a motor vehicle or of a vehicle as aforesaid, or on horseback, is overtaken by any vehicle or horseman travelling at a greater speed the person so overtaken shall quietly turn out to the right and allow the said vehicle or horseman to pass.

Carriages, etc., overtaken to turn to right

(2) Any person so overtaking another motor vehicle, vehicle or horseman shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or horseman so overtaken, and the person so overtaken shall not be required to leave more than one-half of the road free.

Carriages overtaking to pass on left

(3) If a person travelling or being upon a street or highway on a bicycle or tricycle is overtaken by any vehicle or motor vehicle as aforesaid or horseman travelling at a greater speed, the person so overtaken shall quietly turn out to the right and allow the said vehicle or horseman to pass, and the person so overtaking the bicycle or tricycle shall turn out to the left so far as may be necessary to avoid a collision.

Bicycles and tricycles

Persons on
bicycles to
give warning

5. If a person travelling upon a highway on a bicycle or tri-cycle overtakes any vehicle or motor vehicle as aforesaid or horseman travelling at less speed, or a person travelling on foot, the person travelling on the bicycle or tricycle shall give to the other person audible warning of his approach before attempting to pass.

Driver
unable to
turn out is
to stop

6. If one vehicle or motor vehicle is met or overtaken by another, if by reason of the extreme weight of the load on either of the motor vehicles, vehicle or vehicles so meeting or on the vehicle or motor vehicle so overtaken the driver finds it impracticable to turn out as aforesaid, he shall immediately stop, and if necessary for the safety of the other vehicle or motor vehicle, and if required so to do, he shall assist the person in charge thereof to pass.

Penalty for
drivers unable
to manage
horses, etc.,
through
drunkenness

7. If a person in charge of a vehicle or motor vehicle or of a horse or other animal used as the means of conveyance, travelling or being on a highway as aforesaid, is, through drunkenness, unable to drive or ride the same with safety to other persons travelling on or being upon the highway, he shall be liable to the penalties imposed by this Act.

Racing, etc.,
on highways
forbidden

8. No person shall race with or drive furiously a motor vehicle or any horse or other animal, or shout, or use any blasphemous or indecent language upon any highway.

Sleighs to
have bells

9. Every person travelling upon a highway with a sleigh, sled, or cariole, drawn by horse or mule, shall have at least two bells attached to the harness.

BRIDGES.

Notice at
bridges

10. Every person who has the superintendence and management of any bridge exceeding thirty feet in length may cause to be put up at each end thereof, conspicuously placed, a notice legibly printed, in the following form:

"Any person or persons riding or driving on or over this bridge at a faster rate than a walk will, on conviction thereof, be subject to a fine as provided by law."

Injuring
notice

11. In case a person injures or in any way interferes with such notice he shall incur a fine of not less than \$1.00 nor more than \$8.00, to be recovered in the same manner as other penalties imposed by this Act.

Fast driving
on bridges
prohibited

12. If, while such notice continues up, a person rides or drives a horse or other beast of burden over such bridge at a pace faster than a walk, he shall be liable to the penalties imposed by this Act.

13. Any person violating any of the provisions of this Act shall, except where otherwise provided, be liable on summary conviction to a penalty of not less than \$1.00 nor more than \$20.00 and costs.

1911-12

CHAPTER 6.

An Act to Regulate the Speed and Operation of Motor Vehicles on Highways.

(Assented to December 20, 1911.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Motor Vehicle Act.*" Citation

2. In this Act unless the context otherwise requires the term Interpretation
or expression—

1. "Motor vehicle" means and includes automobiles, locomobiles, and all other vehicles propelled by any power other than muscular power, excepting traction engines and such motor vehicles as run only upon rails or tracks;

2. "Highway" or "public highway" means and includes any public highway or road, street, lane, alley, park, parkway, driving or public place within or outside of any city, town or village;

3. "Chauffeur" means and includes any person operating a motor vehicle as mechanic, paid employee or for hire.

3. Every person owning a motor vehicle shall for every such vehicle owned by him, file in the office of the Provincial Secretary a statement containing his name and address, with a brief description of the vehicle so owned by him, including the name of the maker, factory number, style of vehicle and the character and amount of the motive power. 1915, c. 2, s. 13. Statement to be filed

4. The Lieutenant Governor in Council may make regulations regarding the payment of fees for registration. 1914, c. 24, s. 1; 1915, c. 2, s. 13. Registration fees

5. The Provincial Secretary shall forthwith issue and deliver to the owner of such motor vehicle a certificate of registration. Issue of certificate

(2) The Provincial Secretary shall issue and deliver to the owner of such motor vehicle at the time of the issue of the registration certificate as aforesaid two number plates having thereon the registration number of such motor vehicle, the abbreviated name of the province and the year of issue. Such number plates shall be of a distinctly different colour or shade for each year, to be designated and selected by the Provincial Secretary, and there shall be at all times a marked contrast between the colour of the number plates and that of the numerals or letters thereon. Issue of number plates

(3) The Provincial Secretary may charge a fee of \$1.00 for each set of number plates issued pursuant to the provisions of this Act.

Contents of
certificate

6. The certificate of registration referred to in the next preceding section shall contain the name of the owner of the vehicle registered, his address, the name of the maker of the said vehicle, the factory number, style and motive power.

Time during
which
certificate
in force

7. Every certificate of registration; and all renewals thereof, shall have force and effect up to the first day of January next after the same shall have been issued, unless sooner revoked.

Renewal of
certificate

8. Every certificate of registration may be renewed from year to year, from the first day of January in any year upon application to the Provincial Secretary and the payment of the fee required by this Act.

Cancellation
of certificate
upon sale

9. Upon the sale or transfer of ownership of any motor vehicle, registered pursuant to the provisions of this Act, it shall be the duty of the person in whose name such motor vehicle is registered to immediately notify the Provincial Secretary of the name and address of the new owner, and to return the registration certificate and number plates for the motor vehicle so sold or transferred, and such certificate shall be cancelled by the Provincial Secretary, and the number plates may be re-issued by him to the old or new owner, together with the new certificate of registration, which shall remain in force until the first day of January following, and a fee of two dollars shall be chargeable in respect of the issue of such new certificate, and any owner neglecting to notify the Provincial Secretary in case of sale as herein provided shall be guilty of an offence against this Act. 1913 (2nd Session), c. 2, s. 2.

Position of
number
plates

10. Every motor vehicle shall have firmly attached to and exposed on the front and back thereof one of the number plates assigned and issued by the Provincial Secretary. The number on the front shall be in such position as to render it distinctly visible. The number on the back shall be placed on the motor vehicle, and in such a position as to be distinctly visible, so that the lower edge thereof shall not be lower than the axle, provided that motor cycles, in lieu of displaying the number plates hereinbefore required, shall have attached to the rear mud guard of such motor cycles the registration number thereof in figures of not less than three inches in height and not less than three-eighths of an inch in width; such number plate shall be of a distinctly different colour or shade for each year, to be designated and selected by the Provincial Secretary, and there shall be at all times a marked contrast between the colour of the number plates and that of the numerals or letters thereon. 1913, c. 9, s. 32.

(2) No number plate other than that issued by the Provincial Secretary shall be exposed on any part of a motor vehicle.

(3) Except in the case of a re-issue under section 9 hereof a number plate shall not be used or exposed to view on any motor vehicle other than the one for which it was originally issued or by any person other than the owner to whom the same was originally issued. 1913 (2nd Session), c. 2, s. 3.

Motor
vehicles
to carry
lamps

11. Every motor vehicle shall carry, during the period from one hour after sunset to one hour before sunrise at least two lighted lamps, one on each side, showing white lights visible

at least two hundred feet in the direction towards which such motor vehicle is proceeding, or is headed if not in motion, and upon each of such lights shall be displayed in such manner as to be plainly visible when such lamps are lighted the license number of said motor vehicle, such figures to be of Arabic numerals, not less than one inch in height, and there shall also be attached to the rear end of said motor vehicle a lighted lamp which shall have in addition to a red lens at least one white lens so arranged as to cast a white light upon the license number of the motor vehicle and make the same plainly visible: Provided that motor cycles shall only be required to display one white light in the direction in which they are proceeding.

12. Every motor vehicle shall be equipped with adequate brakes sufficient to control such motor vehicles at all times, and also with suitable bell, gong, horn or other device, which shall be sounded whenever it shall be reasonably necessary to notify pedestrians or others of the approach of any such vehicle. Motor vehicle to have brakes

13. No motor vehicle shall carry what is known to the trade as a searchlight.

14. The Lieutenant Governor in Council may make regulations governing the registration and operation of motor vehicles owned or kept by manufacturers or dealers, and not kept by them for private use or hire. 1913 (2nd Session), c. 2, s. 4. Registration of dealers in motor vehicles

15. Any application for a license to operate motor vehicles as a chauffeur shall be made to the Provincial Secretary upon blank forms to be prepared under his authority. Every such application shall be accompanied by a fee of three dollars. Licensing chauffeurs

(2) Before such application shall be granted the applicant shall pass such examination as to his qualifications as the Provincial Secretary may require; and no license shall be issued to any such applicant until the said Provincial Secretary is satisfied that he is a fit and proper person to receive the same.

(3) For the purpose of conducting the examination aforesaid the Provincial Secretary shall appoint examiners and cause examinations to be held at convenient points throughout the province, and as often as may be necessary.

(4) Upon the Provincial Secretary being satisfied as to the qualifications of the applicant he shall register his name as a chauffeur licensed to operate motor vehicles in this province, and deliver to him a certificate of such registration, and assign and furnish to him a suitable metal badge which shall have stamped thereon the words "Alberta Licensed Chauffeur," and the number assigned to the applicant, which said badge shall thereafter be worn by him in a conspicuous place on the front of his outer garment at all times while he is operating a motor vehicle upon any public highway.

(5) All licenses issued under the provisions of this section shall remain in force, unless suspended or revoked as hereinafter provided, for one year from the first day of January preceding the date of issue.

(6) No chauffeur's license shall be issued to any person under the age of eighteen years.

Chauffeurs
to display
badges

16. No chauffeur having registered, as provided in the foregoing section, shall operate a motor vehicle without displaying his badge in the manner prescribed by this Act, nor voluntarily permit any person to use his badge or certificate, nor shall any person while operating a motor vehicle use any badge or certificate belonging to any other person nor a fictitious badge or certificate.

No person
to operate
motor vehicle
not complying
with the Act

17. No person shall operate a motor vehicle upon a public highway after this Act takes effect, unless such person shall have complied in all respects with the requirements of this Act.

18. All fees paid to the Provincial Secretary as provided in this Act shall be paid by him to the Provincial Treasurer and form part of the general revenue fund of the province.

Motor
vehicles to
be operated
at reasonable
speed

19. No person shall operate a motor vehicle upon a public highway at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the highway, or so as to endanger or be likely to endanger the life or limb of any person or the safety of any property.

Speed in
cities, towns
or villages

20. No person shall operate a motor vehicle upon any public highway or street within any city, town or village, at a greater speed than one mile in three minutes, nor a greater speed than one mile in six minutes in turning a corner of an intersecting public highway or street in any city, town or village. 1913 (1st Session), c. 9, s. 2; 1913 (2nd Session), c. 2, s. 5.

(2) If the rate of speed of any motor vehicle shall in any case exceed the limit herein defined, it shall be *prima facie* evidence that the person operating such motor vehicle is running the same at a rate of speed greater than is reasonable and proper having regard to the traffic and use of the street or highway, or so as to endanger the life or limb of any person or the safety of any property.

The
Lieutenant
Governor
in Council
may make
regulations

(3) Provided also that the Lieutenant Governor in Council may make regulations governing the further use of highways in cities, towns and villages by the owners of motor vehicles.

Operation
of motor
vehicles
in cities,
towns or
villages

21. Any person operating a motor vehicle on any street or highway within any city, town or village shall operate such motor vehicle in such manner that the same shall not cross over from one side of such street or highway to the other side thereof between intersecting streets or highways.

No person
under certain
age to operate
motor vehicle

22. No male person under sixteen years of age, and no female person under eighteen years of age shall drive or operate a motor vehicle upon any public street, highway, road, park, parkway or driveway.

No intoxicated
person to
operate motor
vehicle

(2) No intoxicated person shall drive or operate a motor vehicle in any place.

No person
to drive
vehicle
on bet

23. No person shall drive a motor vehicle upon any public highway in a race or on a bet or wager.

Muffler
to be used

24. Every motor vehicle using gasoline as a motive power shall use what is called the "muffler," and the same shall not be

disconnected or cut out while the machine is in operation within the limits of any city, town or village.

25. Upon approaching a bridge, dam, curve, culvert or steep descent and also in traversing such bridge, dam, curve, culvert or descent a person operating a motor vehicle shall have it under control and operate it at a rate of speed not exceeding one mile in ten minutes and upon approaching a crossing or intersecting highway at a speed not greater than is reasonable and proper, having regard to the traffic then on highways and the safety of the public. Speed approaching bridge, etc.

(2) Outside the limits of cities, towns and villages any person operating a motor vehicle, upon approaching a graded portion of any highway where, on account of the manner of the construction of such grade, it is impossible or dangerous for such motor vehicle and a horse, or horses, being driven in an opposite direction to pass each other shall, before entering upon or along such graded portion of the highway, stop said motor vehicle, and if any horse or horses being driven as aforesaid, is or are on such graded portion, or is or are about to enter thereon, to cause the said motor vehicle to remain stationary and to allow the said horse or horses to pass first along said grade, and past the said motor vehicle, before such motor vehicle proceeds. Speed approaching dangerous grade

26. Outside the limits of cities, towns and villages, upon approaching a person walking in the roadway of a public highway, or a horse or horses, or other draught animals, being ridden or led or driven thereon, a person operating a motor vehicle shall not less than two hundred yards from such person slow down to a speed not exceeding one mile in ten minutes, and take reasonable precaution to insure the safety of such person or animals, and, in the case of horses or other draught animals, to prevent frightening same. Motor vehicle to reduce speed upon approaching horse, etc.

27. A person operating a motor vehicle shall, at the request of or on signal by putting up the hand from a person apprehensive of danger, riding, leading or driving horse or horses or other animals in the same direction, guide such motor vehicle to the left of the travelled portion of the highway and bring such motor vehicle immediately to a stop and cause the motor of such vehicle to cease running so long as shall be necessary to prevent accident and insure the safety of others, and shall afterwards use reasonable caution in passing such horse or horses or other animals, and if travelling in the opposite direction shall remain stationary so long as may be reasonable to allow such horse or animal to pass, and it shall be the duty of any male driver of any motor vehicle and other male occupants thereof, over the age of fifteen years, while approaching or passing any horse or horses or other draught animals which appear badly frightened, or upon the request of the person in charge of and driving such horse or other animals, to give such personal assistance as shall be reasonable to insure the safety of all persons concerned and to prevent accidents. Motor vehicles to stop when requested by driver of horse, etc.

(2) During the time any motor vehicle is stopped or slowed up, pursuant to the provisions of this section, the person operating such motor vehicle, and any of the occupants thereof, shall refrain

from making any noise by means of any gong, bell, horn, whistle or otherwise whatever.

(3) The provisions of this section shall apply only outside the limits of cities, towns or villages.

Highways Act to apply

28. *The Highways Act shall mutatis mutandis apply to motor vehicles.*

Motor vehicle overtaken to turn to right

29. If a vehicle drawn by a horse or horses or other draught animals or a motor vehicle be overtaken by any motor vehicle, and the person in charge of such motor vehicle expresses a desire to pass, it shall be the duty of the driver of any such vehicle so overtaken as aforesaid as soon as practicable to turn to the right of the centre of the travelled portion of the highway, and give the person so making the request an opportunity to pass; but in passing the person in charge of such motor vehicle and the other male occupants thereof over the age of fifteen years shall give such assistance as they are able to the occupant or occupants of the vehicle, if assistance be asked, and in thus passing the driver of the motor vehicle shall use all care to avoid accidents.

Person in charge of motor vehicle to return to scene of accident

30. If an accident occurs to any person whether on foot or horseback or in a vehicle, or to any horse or vehicle in charge of any person owing to the presence of any motor vehicle on any public highway, the person in charge of such motor vehicle shall return to the scene of the accident and give to any person sustaining loss or injury his name and address, and also the name and address of the owner of such motor vehicle, and the registration number of said motor vehicle.

Municipal council not to impose license

31. Municipal councils, including those of cities, shall not have power to pass, enforce or maintain any by-law requiring from any owner of a motor vehicle or chauffeur, or any dealer in motor vehicles, or any person conducting an automobile livery, or any person letting or operating motor vehicles for hire, licensed under the provisions of this Act, any tax, fee, license or permit for the use of the public highways, or excluding any of such persons from the free use of such public highways, except upon such driveway, speedway or road as has been or may be expressly set apart by by-law for the exclusive use of horses and light carriages or that shall in any way affect the registration or numbering of motor vehicles or allowing a greater rate of speed than is herein specified at which such vehicles may be operated, or forbidding the use of the public highways, contrary to or inconsistent with the provisions of this Act; and all such by-laws now in force are hereby declared to be of no validity or effect: Provided however, that the powers given to municipal authorities to regulate vehicles offered to the public for hire and all by-laws which may have been or which may be enacted in pursuance of such powers shall remain in full force and effect.

Certificates may be suspended or revoked

32. The Provincial Secretary may at any time suspend or revoke any registration certificate on account of any misconduct or infraction of the provisions of this Act by any owner or driver of a motor vehicle to whom such certificate has been issued.

33. When any loss or damage is incurred or sustained by any person by a motor vehicle, the onus of proof that such loss or damage did not arise through the negligence or improper conduct of the owner or driver of the motor vehicle shall be upon the owner or driver of the motor vehicle. Onus of proof upon owner or driver in case of an accident

34. Nothing in this Act shall be construed to curtail or abridge the right of any person to prosecute an action for damages by reason of injuries to person or property resulting from the negligence of the owner or operator or his agent, employee, or servant of any motor vehicle or resulting from the negligent use of the highway by them or any of them. Certain rights not affected by Act

35. The owner of a motor vehicle for which a certificate of registration has been issued under the provisions of this Act shall be liable for violation of any of the provisions thereof in connection with the operation of such motor vehicle. Owner liable for violation of Act by motor vehicle

Provided that if the owner was not at the time of the offence driving the motor vehicle he shall not be liable to imprisonment. 1913 (2nd Session), c. 2, s. 22.

36. Except as hereinafter provided, any person violating any of the provisions of this Act, or of any regulations made thereunder, shall on summary conviction before a justice of the peace be liable— Penalties

1. For a first offence, to a penalty of \$20 and costs;
2. For a second offence, to a penalty of not less than \$20 nor more than \$50 and costs; and
3. For a third or subsequent offence, to a penalty of not less than \$50 nor more than \$100 and costs, and to imprisonment for a term of not less than one week nor more than one month. 1913 (2nd Session), c. 2, s. 6 and 7.

36a. Any person violating any of the provisions of sections 19, 20 or 49 hereof, shall on summary conviction, be liable—

1. For a first offence to a penalty of \$50 and costs;
2. For a second offence to a penalty of \$100 and costs; and
3. For a third or subsequent offence to a penalty of \$200 and costs, or to imprisonment for a term of not less than one week nor more than one month; and the license of such person shall *ipso facto* become forfeited, cancelled and void. 1913 (2nd Session) c. 2, s. 8.

37. Any person violating any of the provisions of section 30 of this Act shall upon summary conviction before a police magistrate or two justices of the peace be liable for the first offence to a fine of fifty dollars and costs, for the second offence to a fine of one hundred dollars and costs or to one month's imprisonment or to both; and for the third offence or any subsequent offence to imprisonment not exceeding six months. Penalties for violation of section 30

38. The proceedings upon informations for an offence against any of the provisions of this Act where a previous conviction is charged shall be as follows: Procedure

1. The justices or police magistrate shall in the first instance inquire concerning such subsequent offence only, and if the

accused be found guilty thereof he shall then and not before be asked whether he was so previously convicted as alleged in the information and if he answers that he was so previously convicted he shall be sentenced accordingly; but if he denies that he was so previously convicted or does not answer such question, the police magistrate or justice of the peace shall then inquire concerning such previous conviction or convictions.

2. For the purpose of a second, third or subsequent conviction under the provisions of sections 36 and 37 hereof a copy of the certificate of a prior conviction made by the convicting police magistrate or one of the convicting justices of the peace or the certificate of the Provincial Secretary shall be *prima facie* evidence of such prior conviction without proof of the signature or official character of the person signing such certificate and without proof of the identity of the person charged with the person named in such certificate.

3. In the event of any conviction for any second or subsequent offence becoming void or defective after the making thereof by reason of any previous conviction being set aside, quashed, or otherwise rendered void the justices or police magistrate by whom such second or subsequent conviction was made shall summon the person convicted to appear at a time and place to be named and shall thereupon upon proof of the due service of such summons if such person fails to appear, or on his appearance, amend such second or subsequent conviction and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed; and such amended conviction shall thereupon be held valid to all intents and purposes as if it had been made in the first instance.

38a. When proof of ownership of any motor vehicle or of the suspension or revocation of any license under this Act is required, the production of a certificate purporting to be under the hand of the Provincial Secretary or his deputy to the effect that the person named therein is the registered owner of such motor vehicle, or that the license of the person named therein has been suspended or revoked, as the case may be, shall be *prima facie* evidence thereof without proof of signature or official character. 1913 (2nd Session), c. 2, s. 9.

Return to
be made by
justice

39. Every police magistrate or justice of the peace who shall make a conviction under the preceding section shall certify the same to the Provincial Secretary, setting out the name of the person, the motor vehicle with or with respect to which the offence was committed, the nature of the offence, and the time when it was committed, and, if three such convictions are made against the same person within a calendar year, the certificate of registration of the motor vehicle owned or driven by such person at the time when the offence for which such third conviction was made was committed may be cancelled.

Arrests
without
warrant

40. Every peace officer as defined by *The Criminal Code* who on reasonable and probable grounds believes that an offence against any of the provisions of this Act has been committed, whether it has been committed or not, and who, on reasonable

and probable grounds, believes that any person has committed that offence, is justified in arresting such person without warrant, whether such person is guilty or not.

41. Everyone called to assist a peace officer in the arrest of a person suspected of having committed such offence as last aforesaid is justified in assisting, if he know that the person calling on him for assistance is a peace officer, and does not know that there are no reasonable grounds for the suspicion. Assisting peace officer

42. Such peace officer or other person making an arrest without warrant as above provided may detain any motor vehicle in respect to which such offence has been committed until the final disposition of any proceedings which may be taken under the provisions of this Act: Provided that such motor vehicle may be released on security not exceeding one hundred dollars being given to the satisfaction of such peace officer or of a justice of the peace or police magistrate, as the case may be. Detention of motor vehicle

43. Such peace officer or other person making an arrest shall with reasonable diligence take any person so arrested without warrant before a justice of the peace or police magistrate for a warrant or trial. Person arrested to be brought before justice

44. A moiety of all fines and penalties imposed by this Act shall enure to the benefit of the municipalities within which convictions shall be made in all cases in which prosecutions have been instituted by or under municipal authority or by officers appointed by them, and other moiety thereof shall belong to the province and form part of the general revenue fund thereof. Disposition of penalties

(2) In all other cases such fines and penalties shall enure to the benefit of the province and shall form part of the general revenue fund thereof.

(3) All such fines shall be transmitted and forwarded by the convicting justice or justices of the peace to the Provincial Treasurer forthwith after conviction. 1913 (2nd Session), c. 2, s. 10.

45. No person not actually residing in the province shall operate, or permit to be operated, any motor vehicle not registered under this Act upon any of the highways in the province for any greater period than twenty days, to be computed from the time such motor vehicle is brought into the province. Nonresident operators

46. Upon any person being charged with an offence under any of the provisions of this Act, if the justice of the peace or magistrate trying the case be of opinion that the offence was committed wholly by accident or misadventure and without negligence, and could not by the exercise of reasonable care or precaution have been avoided, such justice of the peace or magistrate may dismiss the complaint. Discretionary powers of justice

47. All operators of motor vehicles upon the request or signal of any constable or peace officer shall stop and give all information respecting such motor vehicles as may be desired by the said constable or police officer, as the case may be. Operators to stop when required by constable

No chauffeur's
license to issue
to firm, etc.

48. No chauffeur's license shall be issued to a firm or corporation nor in the name of more than one person.

Motor vehicle
not to pass
a standing car

49. In approaching or passing a car of a street railway which has stopped or is about to stop to allow passengers to get on or off, the operator of every motor vehicle shall bring said motor vehicle to a stop and not proceed until the car has started and all passengers who have alighted shall have gotten safely clear of the motor vehicle. 1913 (2nd Session), c. 2, s. 11.

Chauffeur
not to operate
without license

50. No chauffeur shall operate a motor vehicle without having been registered under this Act or while his license is suspended or revoked.

Use of
registration
numbers

51. No motor vehicle shall be operated or driven under any other number than that of its own registration.

Issue of
new number
plates, etc.

52. In case of the loss of number plates or of chauffeur's badge, a new pair of number plates or new badge, of another number than that borne by the lost number plates or badge, as the case may be, may be obtained from the Provincial Secretary upon satisfactory proof being adduced as to the loss of the said number plates or badge, as the case may be, and the payment of a fee of one dollar.

Re-issue
of number
plates, etc.

53. In the event of any license issued under the provisions of this Act being suspended or cancelled by the Provincial Secretary, as hereinbefore provided, the number plates assigned to the motor vehicle owned or being operated under such number, or, in the case of a chauffeur, the badge which had been allotted to such chauffeur, shall be returned to the said Provincial Secretary, and may be re-issued by him to other applicants for registration.

Application
giving false
information

54. If any person shall knowingly make or give false or misleading information in any application for registration under the provisions of this Act, and as a result such registration has been made and a certificate issued, the certificate of registration issued to any such person may be immediately cancelled by the Provincial Secretary.

Returns
to be made
by dealers

55. Every dealer in motor vehicles registered under the provisions of this Act shall, on the first day of every month, if not a Sunday or other public holiday, and if a Sunday or other public holiday then on the next day succeeding not being a Sunday or public holiday, forward a written statement, duly certified, to the Provincial Secretary, giving full particulars of all motor vehicles sold and delivered in Alberta by such dealer during the preceding month, and such statement shall contain in addition to any other or further particulars that may be required by the Provincial Secretary, the following information, *i.e.*, the name and address of the purchaser thereof of each such motor vehicle.

Chauffeur
not to drive
without
owner's consent

56. No chauffeur or other person shall drive or operate any motor vehicle upon any public highway in the absence of the owner of such motor vehicle without said owner's consent.

57. No person shall tamper with a motor vehicle without the authority of the person in charge, or climb upon or in any motor vehicle, whether the same is in motion or at rest, or hurl stones or any other missiles at the same, or the occupants thereof; or, while such motor is at rest and unattended, sound the horn or other signalling device, or attempt to manipulate any of the levers, starting crank, brakes or machinery thereof, or set such vehicle in motion or otherwise damage or interfere with the same. Persons not to tamper with motor vehicle

58. Any motor vehicle inspector appointed by the Provincial Secretary or any police officer or constable shall have the right and power without further authority in the day time to enter the business premises of any dealer in motor vehicles or person or persons conducting a motor vehicle livery or other place where motor vehicles are kept for hire or sale, for the purpose of ascertaining whether or not the provisions of this Act are being complied with in respect to the motor vehicles in any of such places and by the several employees therein. 1913, c. 9, s. 32. Police officer may enter premises of dealer

59. Chapter 26 of the Statutes of Alberta, 1906, intituled *"An Act to regulate the Speed and Operation of Motor Vehicles on Highways,"* and all amendments thereto are hereby repealed. Repeal

60. This Act shall not apply to or affect any action or proceeding pending, or any right of action existing at the coming into force of this Act. Pending actions not affected

61. This Act shall come into force on the first day of January, 1912. When Act to come into force

1911-12

CHAPTER 7.

An Act respecting Hail Insurance.

(*Repealed*—1913 (1st Session), c. 16, s. 108.)

1911-12

CHAPTER 8.

An Act to amend The Liquor License Ordinance.

(*Consolidated in Chap. 89, C.O. 1915.*)

1911-12

CHAPTER 9.

An Act respecting the Operation and Inspection of Boilers.

(Assented to February 16, 1912.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

Short title 1. This Act may be cited as "*The Boilers Act.*"

INTERPRETATION.

Interpretation 2. In this Act, unless the context otherwise requires, the expression—

1. "Boiler" means and includes any boiler carrying steam pressure, the engine or engines connected therewith, the pipes and connections and every part thereof or connected therewith, and all apparatus attached to or used in connection therewith for generation or storage of steam or air; but does not include boilers used for heating water for domestic purposes, nor for generating steam solely for the purpose of heating dwellings. 1914, c. 2, s. 17.

Owner 2. "Owner" means and includes any person, firm or corporation, the owner or lessee of a boiler, or the manager or other officer in charge of the business of any such firm or corporation;

Engineer 3. "Engineer" means any person having charge of or operating a steam boiler or the engine connected therewith;

Fireman 4. "Fireman" means any person having charge of a steam boiler or boilers only of a capacity limited under the provisions of this Act;

Person 5. "Person" means any male of the full age of eighteen years;

Minister 6. "Minister" means the Minister of Public Works of the Province of Alberta;

Inspector 7. "Inspector" means a provincial chief inspector of boilers, or an inspector of boilers appointed under the provisions of this Act;

Inspection certificate 8. "Inspection certificate" means the certificate of inspection of any boiler issued by an inspector;

Certificate 9. "Certificate" means the provisional, final, or interim certificate of qualification issued to any engineer or fireman under the provisions of this Act;

Province 10. "Province" means the Province of Alberta;

Regulations 11. "Regulations" means regulations issued by the department by authority of the Minister for the proper carrying into effect of the provisions of this Act;

Department 12. "Department" means the Department of Public Works of the Province of Alberta;

13. "In charge" and "having charge" shall apply to the person ^{In charge} having the control and direction of the operations of a boiler or ^{Having charge} boilers or engine or engines.

APPLICATION OF ACT.

3. This Act shall apply to all boilers being operated within the Province of Alberta except as hereinafter provided.

(2) The provisions of this Act shall not apply to steamboat ^{Certain} boilers, and shall not apply to boilers used in operating railways ^{boilers} owned by any duly incorporated railway company, which main- ^{exempted} tains adequate repair shops and employs competent boiler inspectors:

Provided that the owner of such boilers shall expose for public view a certificate of inspection, fully filled out and signed by the inspector appointed by such owner:

Provided further, if such boilers have not been inspected within twelve months or the rating of such boilers is not satisfactory to an inspector appointed under the provisions of this Act, such inspector may inspect and decide the working pressure of such boiler and issue a certificate for the same, and collect the fee prescribed by this Act for inspection of similar boilers for such inspection:

Provided nothing herein contained shall exempt from the operation of this Act, a boiler in operation upon any switch, siding or other connection from any duly incorporated railway as above mentioned to the premises of any elevator, manufactory, industry or business, if such switch or siding does not form a part of, and is not used by such railway company with whose track it is connected; nor any boiler operated in connection with such elevator, manu- factory, industry or business.

(3) Boilers and their appurtenances used exclusively for heating ^{Exempt} purposes, but which are not herein required to be inspected, ^{boilers} shall be provided with such appliances to insure safety as shall be ^{may be} prescribed by the regulations, and it shall be the duty of the ^{inspected} inspector to inspect such boilers upon application of the owner or owners.

APPOINTMENT AND QUALIFICATION OF INSPECTORS.

4. The Lieutenant Governor in Council may appoint a chief inspector of boilers, and inspectors of boilers for the purpose of carrying out the provisions of this Act, and may fix the remuneration of such chief inspector and inspectors, and assign to each of such inspectors a particular portion of the province within which he shall have jurisdiction under this Act.

(2) No person shall be appointed an inspector of boilers unless ^{Qualifica-} he is a British subject, has had five years' experience as a practical ^{tions of} machinist or boiler maker, is the holder of an Alberta first-class ^{inspectors} engineer's certificate, is not interested directly or indirectly in the sale of boilers or steam machinery, and has passed a satisfactory examination before a board of examiners composed of inspectors, or such other persons as the Minister may direct.

(3) Every inspector, before entering upon the performance of ^{Inspectors to} his duties, shall take and subscribe the following oath: ^{take oath}

"I, do swear that I will faithfully and honestly fulfil the duties which

devolve upon me as inspector of boilers, and that I will not ask or receive any sum of money, service, recompense, or matter, or thing, whatsoever, directly or indirectly, in return for what I have done or may do in the discharge of any of the duties of my said office, except my salary or what may be allowed me by law, or by an order of the Lieutenant Governor in Council, and that I am not, nor will be directly nor indirectly interested in the sale of boilers or steam machinery. So help me God."

Record to
be kept

(4) Every inspector shall keep a true and complete record of all boilers inspected, and all repairs ordered by him, of all boilers condemned by him as unsafe, of all accidents to boilers in his district, whether by explosion or otherwise, and of all casualties in connection with boilers in his district.

DUTIES OF INSPECTORS.

When
boilers may
be inspected

5. Every boiler in the province shall be inspected internally and externally, or tested by an hydrostatic test in the ratio of one hundred and fifty per cent. of the working pressure, or both, by an inspector once every year and at such times as the inspector may see fit, and shall not be operated at pressures in excess of the safe working pressure stated in the inspection certificate, which pressure is to be ascertained from the regulations.

Special
inspection
of unsafe
boilers

(2) In addition to such yearly inspection it shall be the duty of every inspector to inspect, at any time, when in his opinion such examination is necessary, all such boilers within his district as may be reported to him as unsafe, or, as he may have reason to believe, have become unsafe from any cause, and to notify the owner of such boiler if a defect is discovered, and of what repairs are necessary.

Exemption
from pay-
ment of
inspection fee

(3) If the owner of any boiler proves to the satisfaction of the inspector that his boiler has not been operated since the date of the previous inspection, and is in as good condition as when inspected, the inspector may issue a new inspection certificate without inspecting the boiler, and without charging any fee therefor.

Owner to
defray
expenses for
special
inspection
or advice

6. If the owner of any boiler desires a special inspection or any other special service from an inspector, he shall be entitled to same upon application, but he shall be liable to the Minister for all expenses connected with the making of such inspection or the performance of such other services by such inspector.

Inspector
may examine
on oath

7. Any inspector may, by notice in writing signed by him, require the attendance before him at a time and place to be mentioned in such notice of any person, and may examine the person so notified on oath regarding any matter connected with the inspection or operation of any boiler or any accident thereto; such person so summoned shall be entitled to the same witness fees as he would be entitled to on a small debt case in the courts of the province, unless the inspector shall otherwise order.

(2) Any person wilfully neglecting or refusing in any way to comply with the notice of the inspector, or to make oath, or be examined as aforesaid, shall be guilty of an offence and liable on summary conviction thereof to a fine of not less than \$25.00 and

not more than \$50.00, and on nonpayment of such fine forthwith after conviction to imprisonment for one month.

(3) Any person so examined shall not be excused from answering any question upon the ground that the answer may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person or to a prosecution under any Act of, or Ordinance in force in Alberta.

(4) Provided, however, that any evidence so given shall not be used or received in evidence against such person in any criminal or civil proceeding hereinafter instituted against him other than a prosecution for perjury in giving such evidence.

8. Every inspector shall render annually, on or before the thirty-first day of January in each year, a concise report to the Minister of all inspections made by him during the preceding year, and of all accidents and casualties that may have occurred in connection with the operation of boilers within his district. ^{Annual report}

9. If at any time the inspector discovers any defect in any boiler under pressure, which in the opinion of such inspector may cause immediate danger, he shall order the engineer to draw the fire and blow off the steam, and the engineer shall forthwith obey such instructions: ^{Engineer to relieve boiler of pressure if pronounced dangerous}

Provided, however, that no inspector shall order an engineer to draw the fire, or blow off steam from any boiler, upon which depends the continued operation of a ventilating fan, the stopping of which might endanger the life of any person engaged in a mine, without having first given sufficient notice to the manager to enable him to forthwith take all necessary precautions and steps for the removal or safety of all persons in and about the mine and for the adequate protection of the mine. 1913, c. 9, s. 33 (1).

(2) Every engineer shall assist the inspector in making his examination of any boiler or boilers in his charge, and shall point out to him any defects that he may know or believe to exist in said boiler or boilers, and in default thereof the inspector may take possession of the certificate of such engineer, and forward it to the Minister, together with a report on the circumstances of the case. ^{Engineers to assist inspectors}

10. An inspection certificate shall not be granted for any new boiler which does not conform to the regulations. ^{Boilers entering the province}

11. Except as hereinafter provided, no second-hand boiler that has been in service shall be brought into the province and operated as a boiler. ^{Second-hand boilers}

(2) The owner of a second-hand boiler, or a boiler that has been in service outside the province, who wishes to operate same within the province, shall apply to the department for permission so to do, giving a complete description of the boiler and stating the exact location at which it is proposed that such boiler shall be operated; the department may thereupon cause the boiler to be inspected, and upon the issue of an inspection certificate stating that said boiler has been equipped with fittings and installed according to the regulations, the same may be operated; provided that the maximum working pressure to be allowed in any such case shall be computed by the formula contained in the regulations, with such further reduction as the inspector may direct.

(3) Any person violating the provisions of this section shall be guilty of an offence and liable on summary conviction thereof to a penalty of not less than \$25.00 and not more than \$50.00.

Registration
of boiler and
accessory
designs

12. Every manufacturer of any boiler to be built under the regulations shall, before commencing work on such boiler, submit to the department for approval, accompanied by the fees required by the regulations, complete working shop drawings in triplicate of the proposed boiler, together with completed specifications in duplicate.

(2) Every manufacturer of boiler accessories for boilers built under the regulations shall submit to the department for approval, accompanied by the fees, working shop drawings in triplicate of the safety valves, stop valves, water gauges, gauge cocks, pressure gauges, blow-off valves and other fittings connected immediately to the boiler.

(3) Any person who sells or otherwise disposes of a boiler not built to approved designs, or that does not conform to the regulations (provided an inspection certificate has not already been issued for such boiler), or a boiler fitting which has not been made according to an approved design, shall be deemed guilty of a breach of this Act.

Changes in
designs of
approved
boilers

(4) When any change is intended to be made in any approved drawings or specifications by the manufacturer or manufacturers, he or they shall immediately notify the department, and submit revised drawing and specifications accordingly.

Affidavit to
accompany
boilers

13. When any new boiler is shipped into the province, the manufacturer shall immediately mail to the purchaser, for the use of the inspector at his initial inspection, a copy of the approved specifications on forms prepared by the department and containing the shop foreman's affidavit, certifying that the boiler has been built according to the regulations, and according to the approved drawings and specifications, that a hydrostatic test has been applied (in the ratio required by the regulations), that the steam gauge is correct, and that the safety valve has been tested and is properly set to the working steam pressure of the boiler as rated by the department.

Inspector
may enter
premises

14. Any inspector may, at any reasonable hour, enter upon any property for the purpose of inspecting any boiler situated thereon, or for the purpose of ascertaining whether the provisions of this Act are being complied with, and also shall have the right at any reasonable hour to examine boilers in course of construction or undergoing repairs.

Obstructing
inspector

15. Any person interfering with or obstructing any inspector in the performance of his duties under this Act shall be guilty of an offence and liable on summary conviction to a penalty of not less than \$50.00 and not more than \$100.00.

Minister to
be notified
of sale or
exchange

16. Any agent or other person who sells or exchanges a boiler shall within thirty days after such sale or exchange notify the Minister in writing by registered mail of such sale or exchange, stating the name and address of the person to whom such boiler has been sold or exchanged, and shall if such boiler has been

inspected by an inspector, from and after the first day of January, 1912, state the number stamped on such boiler at such inspection by the inspector.

(2) No person shall sell or exchange any boiler which has been in use for more than two seasons for subsequent use as a boiler unless it is accompanied by an inspection certificate issued within one year next preceding the date of such sale or exchange.

Sale or exchange of boiler to be accompanied by inspection certificate

(3) Nothing contained in the foregoing subsection shall affect any arrangement that may be made between a manufacturer and a purchaser in respect of an exchange of an old boiler in part payment for a new one; or the retaking possession of a boiler under a lien and the subsequent sale thereof.

GENERAL PROVISIONS.

17. If, upon inspection, the inspector finds the boiler to be in safe working order, and properly set up, with fittings as prescribed by the regulations, he shall issue to the owner thereof an inspection certificate stating the maximum pressure at which the boiler may be operated, as ascertained by the regulations, and thereupon the boiler mentioned in the certificate may be operated. Such certificate shall continue in force until the boiler is inspected in the following year, or for such shorter period as the inspector may direct.

When inspection certificate may be issued

(2) Any owner or other person operating any boiler before an inspection certificate therefor has been granted, or after same has expired, shall be guilty of an offence and liable on summary conviction thereof to a penalty of not less than \$50.00 and not more than \$250.00. 1913, c. 9, s. 33 (2).

18. Every person who makes, or procures to be made, or assists in making, any false representation regarding the condition of any boiler in the form of an inspection certificate, or who forges, assists in forging, or procures to be forged, or fraudulently alters, or assists in fraudulently altering, or procures to be fraudulently altered, any such inspection certificate, or any official copy of any such inspection certificate, or who fraudulently makes use of any such inspection certificate which is forged, altered, cancelled, suspended, or to which he is not justly entitled, or who fraudulently lends his inspection certificate to, or allows any other person to use the same in connection with any other boiler than that covered by such inspection certificate, shall be guilty of an offence, and liable upon summary conviction thereof to a penalty of not less than \$50.00, or three months' imprisonment; and any owner or other person holding such inspection certificate who fails to deliver up an inspection certificate which has been cancelled or suspended shall be deemed guilty of a breach of this Act, and liable upon summary conviction thereof to a penalty of not less than \$50.00 and not more than \$100.00.

Penalty for forging, exchanging or altering inspection certificate

(2) The inspection certificate shall be placed so as to be easily read, in a conspicuous place in the boiler room, or engine room of every stationary boiler, and shall be produced at any time by the owner or operator of any traction or portable boiler upon demand of an inspector or upon demand of a member of any police force. Any owner refusing or neglecting to post up or produce the inspection certificate shall be guilty of an offence

Inspection certificate to be exhibited or produced

and liable upon summary conviction thereof to a penalty of not less than \$10.00 and not more than \$25.00.

Operating
without
inspection
certificate

(3) Any owner who operates or causes to be operated a boiler without being in possession of an inspection certificate, or without notifying an inspector or the Minister of his intention so to operate, by registered letter, shall be guilty of an offence, and liable upon summary conviction thereof to a penalty of not less than \$25.00 and not more than \$100.00.

Owner to
prepare
boiler for
inspection

19. The owner or operator of any boiler shall allow the inspector free access to the same, shall furnish the labour necessary for the inspection thereof, shall fill the boiler to permit all hydrostatic tests being made, shall, if required by the inspector, remove any jacket or covering from the boiler, and shall also bring to the attention of the inspector any defect which he knows or believes to exist in the boiler.

(2) The owner of the boiler which the inspector desires to inspect internally or externally shall cause it to be opened for inspection, scraped free from scale, the manhole and handhole plates thereof removed, and the flues therein cleaned and all soot or ashes removed from the inside and outside of setting therein. In the case of a traction or portable boiler the owner or person in charge shall cause the furnace grates and straw burners, firebox and all heating surfaces to be thoroughly cleaned.

Inspectors
may drill
holes

20. In order to satisfy himself as to the thickness of plate or its internal condition, the inspector may cut holes or may order holes to be cut in the same, and in the latter case the owner shall forthwith see that such orders are complied with.

Penalty

(2) Any person violating any of the provisions of sections 19 or 20 hereof shall be guilty of an offence, and liable upon summary conviction thereof to a penalty of not less than \$25.00 and not more than \$100.00.

Failure to
carry out
inspectors'
instructions

21. Any owner or other person in charge of a boiler failing to carry out the written instructions of an inspector for the safe operation and care of a boiler, including his instructions for washing out and cleaning the interior, shall be guilty of a breach of this Act.

(2) Any such owner or other person in charge of a boiler may within thirty days from the receipt thereof appeal to the Minister from such written instruction of an inspector; the decision of the Minister shall be final and pending his decision such owner or other person in charge of a boiler shall carry out such written instructions.

In case of
explosion

22. A report of an explosion of any boiler shall be sent by the owner of such boiler within twenty-four hours after the explosion to the Minister; such report shall state the exact place at which the explosion occurred, the number persons killed or injured, and the probable cause of the explosion.

(2) After the explosion of any such boiler no part or parts of the same shall be removed or their positions altered by any person until after examination by the inspector, except to rescue persons injured, or to remove the bodies of persons killed, without the written permission of the Minister.

(3) Any person violating any of the provisions of this section shall be guilty of an offence and liable on summary conviction thereof to a fine of not less than \$100.00 and not more than \$200.00, or to imprisonment for a term not exceeding three months.

23. On receipt of any report mentioned in the preceding section, the Minister shall cause a full investigation to be made as to the cause and circumstances of such explosion; said investigation shall be held at or near the place where such explosion occurred.

Investigation
of an explosion

24. If any loss or damage is incurred or sustained by any person by reason of the explosion of a boiler, for which the owner has not obtained an inspection certificate, the onus of proof that such loss or damage did not arise through the negligence or improper conduct of the owner or person in charge of such boiler shall be upon the owner of such boiler.

For explosion
of
uncertificated
boilers
owners
prima facie
guilty of
negligence

25. An appeal shall lie from any ruling or decision of an inspector to the Minister, whose decision shall be final.

Appeal from
decision of
inspector

(2) On the hearing of any appeal it shall be lawful for the Minister, if he thinks fit, to summon to his assistance any expert engineer.

Minister to
summon
expert
advice

26. Any charge or neglect of duty or other complaint against the inspector shall be addressed to the Minister, and shall state fully the particulars of such charge or complaint.

Charge
against
inspector
to be in
writing

27. Any owner or other person in charge who refuses or neglects to station a man to guard against steam being turned into a boiler which it is possible to connect with another boiler containing steam, during the period that any person is inside such first mentioned boiler, shall be guilty of an offence, and liable upon summary conviction thereof to a penalty of not less than \$50.00 and not more than \$100.00.

Precaution
to be taken
while working
in a boiler

BOILER FITTINGS.

28. No person shall operate boilers not previously inspected by an inspector in this province unless equipped with fittings as provided in the regulations.

Boiler
fittings

29. Any person removing, destroying or in any way tampering with the sealing device of any safety valve after it has been sealed by an inspector, or changing a safety valve without permission of an inspector, shall be guilty of an offence and liable upon summary conviction thereof to a penalty of not less than \$50.00 nor more than \$100.00.

Tampering
with safety
valves

30. It shall be the duty of the engineer in charge to blow, or cause the safety valve to blow off steam, at least once each day, to satisfy himself that the valves are in good order, and it shall be his duty to report to the inspector any failure of such valves to operate; in case no such report is made, and a safety valve is found to have been tampered with, or out of order, the certificate of the engineer having such boiler in charge shall be suspended or cancelled by the Minister.

Testing of
safety valve
each day

Penalty for
interfering
with
pressure
gauge

31. Any person who alters or otherwise tampers with the pressure gauge, so as to prevent the actual pressure of the boiler from being easily seen and ascertained, shall be guilty of an offence and liable on summary conviction thereof to a penalty of not less than \$10.00 and not more than \$50.00.

INSPECTION FEES.

Inspection
fees

32. The owner of every boiler in the province under the provisions of this Act shall pay a fee of \$5.00 for each and every boiler inspected.

Heating
boilers

(2) In the case of an inspection of any vessel carrying a steam pressure of less than twenty pounds, used for heating water for domestic purposes or generating steam solely for heating buildings, the fee payable to the inspector by the owner for such inspection and the issue of such certificate shall be \$2.00.

(3) Any owner neglecting or refusing to pay the inspector such fee shall be guilty of a breach of this Act.

ENGINEERS AND FIREMEN.

Operating
boilers
without
certificate

33. Any person not holding a final, interim or provisional certificate of qualification as an engineer, or a fireman of a heating plant, or a permit as hereinafter provided, who at any time operates any steam boiler governed by this Act, or is in charge of any steam boiler while in operation, whether as owner or engineer, or any engineer is in charge of and operates a boiler or boilers, or steam plant of a different or a higher class than is authorized by the certificate held by any such engineer, or fails to produce the certificate upon demand by an inspector or member of any police force, shall be guilty of an offence and liable on summary conviction thereof to a penalty of not less than \$25.00 nor more than \$100.00. 1913, c. 9, s. 33 (3).

Special
authority
during
installation

(2) Provided that where the representative of any manufacturer of boilers or engines is employed installing, testing, regulating, or otherwise superintending the installation or operation of such boilers or engines, he may do so upon applying for and receiving written authority from the Minister or an inspector.

Permits

34. If any owner of a steam boiler shows to the satisfaction of the Minister or an inspector that he is unable by reason of some unforeseen occurrence to immediately secure the services of a duly qualified person to operate such boiler, the Minister or inspector may grant a permit to any person producing satisfactory evidence of good conduct and sobriety to operate such boiler for a period of thirty days from the date of such permit:

Provided, however, that notwithstanding anything to the contrary in this Act, when an application for such a permit has been made the owner, manager or agent of a mine may allow the person named in the application to operate such boiler for a period of six full days from the date of such application, or until such time as notice is received of the granting or refusing of the application whichever is the shorter time. 1913, c. 9, s. 33 (4).

Employing
uncertified
persons

35. The employer of any person who at any time operates any steam boiler governed by this Act, or is in charge of such steam

boiler while in operation who has not a certificate, or permit as required by this Act, or who fails to produce such certificate upon demand by an inspector, or a member of any police force, shall be deemed guilty of an offence and liable on summary conviction thereof to a penalty of not less than \$50.00 and not more than \$150.00. 1913, c. 9, s. 33 (5).

(2) The certificate of any engineer in charge of an engine ^{Certificate to be} room or boiler room shall be exposed in a conspicuous place in ^{exposed} such room.

(3) Any engineer who refuses or neglects to expose or produce his certificate shall be guilty of an offence and liable on summary conviction thereof to a penalty of not less than \$10.00 and not more than \$50.00.

(4) The absence of such certificate or its nonproduction upon ^{Non-pro-} demand shall be *prima facie* evidence that the person operating ^{duction of} the engine or boiler has no certificate ^{certificate}.

36. Certificates will be granted upon examination according ^{Classification of} to qualifications of the applicant as follows: ^{certificates}

1. First class: To have charge of and operate any steam plant.

2. Second class: To have charge of and operate a boiler or boilers of a total capacity not exceeding 500 horse power, and to have charge of and operate an engine or engines of a total capacity not exceeding 500 horse power, or to operate any other plant under an engineer holding a first-class certificate in direct charge of the plant.

3. Third class: To have charge of and operate a boiler or boilers of a total capacity not exceeding 200 horse power, and to have charge of and operate an engine or engines of a total capacity not exceeding 200 horse power (unless such certificate is otherwise limited) or to operate a boiler or boilers of a total capacity not exceeding 500 horse power under an engineer holding at least a second-class certificate.

4. Traction engineer's final certificate: To have charge of and operate a traction engine and boiler only.

5. Provisional certificate: To have charge of and operate a boiler and engine of a capacity not to exceed 50 horse power, for a period of one year.

6. Second provisional certificate: To have charge of and operate a boiler and engine of a capacity not to exceed 50 horse power, for a period of one year. This certificate may be granted to those candidates who have failed for a final certificate, as hereinafter mentioned.

7. Final fireman's certificate: To have charge of and operate a heating boiler only, carrying a steam pressure of not more than 100 pounds.

8. Provided the experience of an applicant for a certificate is limited to a steam shovel, or a hoisting or a portable boiler and engine only, a third-class, or provisional certificate may be issued to suit the case, said certificate being endorsed accordingly upon the face thereof.

37. Engineer's final certificates issued under *The Steam Boilers* ^{North-West} Ordinance of the North-West Territories shall entitle the holders ^{Territories} thereof to operate in the Province of Alberta; provided that the ^{certificates} holders of second and third-class certificates issued under the

said Ordinance shall not operate boilers of a larger capacity than the boilers which under this Act may be operated by the holders of second and third-class certificates respectively issued under the provisions of this Act.

Qualifica-
tions for
first-class
certificates

38. A candidate for a first-class certificate shall be at least twenty-five years of age, shall furnish proof that he has been employed as a machinist or boiler-maker, on the repairing or building of steam engines or boilers for a period of not less than twenty-four months, and has had charge of a steam plant in which he operated a battery of boilers aggregating not less than three hundred horse power in capacity, and that he has operated engines aggregating not less than three hundred horse power in capacity, for a period of at least twelve months.

Qualifica-
tions for
second-class
certificates

(2) A candidate for a second-class certificate shall be at least twenty-two years of age, and shall furnish proof that he has served four years in charge of and operated a boiler or boilers, and had charge of and operated an engine or engines, of not less than fifty horse power or that he has served twenty-four months in a workshop employed in the manufacture of engines or boilers, and has served as engineer of a steam plant of not less than seventy-five horse power for a period of at least twenty-four months.

Qualifica-
tions for
third-class
certificates

(3) A candidate for a third-class certificate shall be at least twenty years of age, shall furnish proof that he has served as fireman of a boiler or boilers, for a period of twelve months; has had charge of and operated a boiler or boilers, and has had charge of and operated an engine or engines for a further period of twelve months, or that he has served twelve months in a workshop employed on the manufacture or repairing of engines or boilers, and as fireman of a steam boiler for a further period of twelve months.

Qualifica-
tions for
traction
engineer's
final
certificates

39. The final certificate, known as traction engineer's final certificate, will be granted to traction engineers upon satisfactorily passing a combined written and oral examination before an inspector; this certificate will be termed "traction engineer's final certificate," and will be valid to operate traction boilers and engines only.

Interim
certificate

40. Upon the applicant for a final certificate of qualification as an engineer completing the examination set by the inspector but before the results thereof are announced, the inspector may issue to such candidate an interim certificate of the class to which he would be entitled upon passing such examination, which certificate shall entitle the holder to operate as an engineer of the class therein specified, for a limited period to be specified in the certificate; such period shall in no case exceed thirty days.

Qualifica-
tions for
fireman of
heating
plant's
certificate

41. A final fireman's certificate for operating a heating boiler only, in which over twenty pounds and not more than one hundred pounds of steam is carried, shall be granted upon the applicant passing a written and oral examination such as is laid down by the department; such applicant for a fireman's certificate for a heating boiler shall be required to produce satisfactory and conclusive evidence of at least six months' experience as an engineer or fireman of a steam boiler.

42. Any person who has had over twelve months' experience as an engineer or fireman outside the province, or any person who has served for twelve months in the province as fireman to the holder or holders of a final engineer's certificate, may apply to the Minister or an inspector for a provisional certificate of qualification for operation of boilers or engines not having a capacity of more than fifty horse power, and the Minister, or such inspector, upon being satisfied that the applicant is a person of sufficient experience to justify the same, may cause the applicant to be orally examined by an inspector, and upon such applicant passing such examination satisfactorily he may be granted such provisional certificate valid for a period of one year from the date of issue thereof.

Qualifications for provisional certificate

(2) Such provisional certificate may be renewed for a further period of one year, but no longer, and the applicant for such renewal may be required to pass an oral examination satisfactory to an inspector.

Renewal of provisional certificates

43. The Minister may, upon the recommendation of an inspector, grant a second provisional certificate, valid for a period of one year from its date, to any person who has submitted to an examination in accordance with the provisions of this Act, but has failed to receive from such inspector a recommendation for a final certificate of qualification, but no further or other provisional certificate shall be granted, unless such person is recommended for same by the inspector.

Second provisional certificates

(2) The holder of a provisional certificate, or anyone who in the opinion of an inspector has had sufficient or extensive experience in operating boilers and engines as to justify the same, may be granted a final certificate of qualification as an engineer, or fireman of a heating plant, upon passing such an examination which shall be conducted in accordance with such regulations as may from time to time be prescribed by the Minister, and the Minister shall determine the qualifications requisite for the candidates for the several classes of certificates, and shall prescribe the fees to be paid for such examination, and for the issue of certificates to the successful candidates.

Application for and issue of a final certificate

44. The inspector shall determine the class of examination which the applicant shall undergo, whether for first, second or third-class certificate, and after such examination, if found competent, the applicant shall receive a certificate graded according to the merits of his examination, irrespective of the grade of certificate for which he applied.

Inspector to determine class written for

(2) Any candidate failing to pass the required examination for first or second-class certificates shall not be allowed to present himself for further examination for a period of one year, during which term he must operate as an engineer, and upon further application show satisfactory evidence of additional experience.

Twelve months to lapse after failure to pass examination

45. Any person who holds a certificate of qualification as an engineer for operating boilers and engines, granted under the provisions of any Act of the Parliament of Great Britain and Ireland, or of the Dominion of Canada, or of any province therein, or of any other part of His Majesty's dominions, may, upon making application to the Minister, accompanied by such evidence

Certificate may be granted in lieu

of qualification as may be required by the Minister, and upon satisfactorily passing an examination before an inspector if deemed necessary by the Minister, obtain a certificate of qualification as an engineer in the class determined by the Minister.

False
representations
and forging
of certificates

46. Every person who makes, or procures to be made, or assists in making any false representation for the purpose of obtaining for himself or for any other person, a certificate of competency or service, or who forges, or assists in forging, or procures to be forged, or fraudulently alters, or assists in fraudulently altering, or procures to be fraudulently altered, any such certificate, or any official copy of any such certificate, or who fraudulently makes use of any such certificate which is forged, altered, cancelled, suspended, or to which he is not justly entitled, or who fraudulently lends his certificate to, or allows the same to be used by any other person, shall for such offence be deemed guilty of an offence, and shall be liable upon summary conviction thereof to a penalty of not less than \$50.00 and not more than \$100.00, and any engineer who fails to deliver up a certificate which has been cancelled or suspended shall be liable to a penalty of not less than \$25.00 and not more than \$100.00.

(2) Any person other than the holder thereof becoming possessed of a certificate shall transmit it forthwith to the department.

Provisions
for
amanuensis

47. If a candidate for a final certificate should be unable to write, he may employ some person to write the examination therefor from his dictation; such person shall not be an engineer, and shall, before performing any duties under the provisions of this section, subscribe before an inspector the following oath:

"I, A.B., of the..... in the Province of Alberta,..... swear: That I will truly, faithfully and accurately without alteration or interlineation of any kind, transcribe the answers dictated to me by C.D. (*here insert name of candidate*) a candidate for a final certificate under the provisions of *The Boilers Act*. So help me God."

(2) If such candidate should be unable to speak the English language, he may employ some person as interpreter; such person shall not be an engineer, and shall, before performing any duties under the provisions of this section, subscribe before an inspector the following oath:

"I, A.B., of the..... in the Province of Alberta,..... swear: That I shall truly and faithfully interpret the questions and the answers given on the examination of C.D. (*here insert the name of candidate*), a candidate for a final certificate under the provisions of *The Boilers Act*, and all other matters connected therewith, and the Italian (*or German, or as the case may be*) language into the English language, and the English language into the Italian (*or German, or as the case may be*) language, according to the best of my skill and ability. So help me God."

Appeal from
decision of
inspector

48. Any candidate may appeal in writing to the Minister from the decision of the inspector in regard to any examination, and the decision of the Minister in regard to such examination shall be final.

49. If an inspector should find an engineer, or fireman of a heating plant, violating any of the provisions of this Act, or in any way negligently operating a steam plant in his charge, or under the influence of liquor while on duty, he may take possession of such engineer's or fireman's certificate, and remit the same to the department together with a full report of the circumstances of the case.

(2) The Minister may, upon due cause being shown, cancel or suspend any certificate issued under the provisions of this Act, and any person whose certificate is so cancelled or suspended shall be deemed guilty of a breach of this Act, and liable to the penalties hereinafter imposed.

50. If any owner believes that his boiler or engine has been damaged through the negligence of the engineer in charge, he shall immediately report such negligence to an inspector, verifying the facts contained in such report by a statutory declaration.

(2) Such inspector shall thereupon immediately investigate the charge and may, if he deem proper, demand and obtain from such engineer in charge his certificate, and shall immediately forward a report of any investigation made under the provisions of this section to the Minister, together with the certificate, if any, which he has ordered to be delivered up by the engineer in charge; the Minister may thereupon order such certificate to be returned to such engineer, suspend the operation of said certificate for such period as he may deem just, or cancel such certificate.

(3) Any engineer in charge refusing to deliver up his certificate when same is demanded by an inspector under the provisions of this section shall be deemed guilty of a violation of this Act.

51. The fees for the issue of a permit under section 34 hereof, by an applicant for examination under section 36 or by applicant for a certificate under sections 42 or 45 respectively shall be as follows:

First-class certificate	\$10.00
Second-class certificate	5.00
Third-class certificate	5.00
Final traction certificate	5.00
Final fireman's certificate	2.50
Second provisional certificate	5.00
Provisional certificate	5.00
Renewal of provisional certificate	2.50
Permit	5.00

2. All fees payable under this Act shall be paid into general revenue fund.

52. If a certificate is lost or destroyed, a duplicate may be issued upon satisfactory proof to the department, and upon receipt of the fee authorized by this Act, for the issue of an original certificate of the same class.

53. The owner of a plant where there is a battery of boilers of a capacity exceeding five hundred horse power and where such battery of boilers is contained in a building separate from the rest of the plant shall in addition to such engineers as he is otherwise required to employ under the provisions of this Act, employ engineers holding at least second-class certificates in charge of such battery of boilers on both day and night shifts.

Absence of
engineer

54. No engineer or fireman of a boiler or boilers shall absent himself from duty in connection therewith for more than ten minutes at a time while the same is in operation. 1913, c. 9, s. 33 (6).

Regulations

55. The Minister may from time to time make such regulations and prescribe such forms as may be deemed necessary for the proper carrying into effect of the provisions of this Act, and such regulations shall have the same force and effect as if they were included in this Act and herein enacted.

Penalties

56. Any person guilty of a breach of any of the provisions of this Act, or any regulations made thereunder, for which no penalty is herein specified, shall on summary conviction thereof be liable to a penalty not less than \$50.00 and not more than \$100.00.

Recovery of
fees and
penalties

57. All fees and penalties mentioned in this Act may be recovered and enforced with costs on summary conviction before a justice of the peace.

Repeal

58. *The Steam Boilers Act*, being chapter 23 of the Statutes of Alberta, 1906, and all amendments thereto, are hereby repealed.

REGULATIONS GOVERNING THE CONSTRUCTION AND INSPECTION OF BOILERS FOR THE PROVINCE OF ALBERTA.

(Issued under Sec. 55, Cap. 9, of *The Boilers Act*, 1912.)

(*Inserted for convenience only and subject to change at any time by the Minister.*)

I.—GENERAL.

1.—Regulations to Become Effective.

These regulations are in effect from the date of issue, September 1st, 1914. They are very similar to the 1910 regulations, except that certain ambiguous clauses in the latter have been made clear.

2.—Second-hand Boilers.

Boilers entering the province under Sub. 2; Section 11, of *The Boilers Act*, or as settlers' effects, and not built in accordance with these regulations, shall be rated by the formulae herein provided. They must be equipped with fittings, etc., according to the Act and regulations. The right is reserved to reduce the pressure of any boiler to what is considered a safe limit.

3.—Maximum Pressure for Traction and Portable Boilers.

The safety valve of any traction or portable boiler shall not be set at a greater pressure than 175 pounds, notwithstanding the calculated working pressure of the boiler, and no exception will be made to this ruling. If, for instance, however, the calculated working pressure of a traction or portable boiler is 200 pounds, and a reduction of pressure is made by reason of inferior workmanship or material or other defects, the reduction will be made from 200 lbs.

II.—REGISTRATION OF DESIGNS.

4.—*Drawings and Specifications.*

Before commencing work on any boiler, to be built under these regulations, three blue prints of working shop drawings of the same each having a blank or white space on it 3 x 4 inches in size, with specification Form 18 in duplicate (copies supplied by the Department upon request) must be submitted to the Department by the manufacturer for approval of the pressure and arrangement of the boiler, which must comply in all cases with these regulations.

Each drawing and specification form must contain complete details and dimensions, the intended working pressure being stated thereon.

This applies also to designs for safety valves and other fittings connected immediately to the boiler, such as stop valves, water gauges and gauge cocks, pressure gauges, and blow-off valves; also to proposed power plant piping arrangements or to proposed alterations of same. Such drawings must show all high pressure steam, water, and blow-off piping, together with fittings and accessories thereto.

Approval or corrections will be given, or pointed out in the order as applications are received by the Department, and the manufacturers advised accordingly.

Designs of manufacture, when finally approved, will be given registration numbers for the province, and from which boilers may be made by that manufacturer in any number, full reference being made to the registration upon specification form and affidavit of construction accompanying such boilers. Any new design submitted for approval after any change in these regulations has been made must be in accordance with such change.

Changes in design will necessitate submission of new drawings and specifications for approval and fresh registration.

One certified blue print and copy of specifications will be returned by the Department to the manufacturer after design has been finally approved and registered.

It is to be understood that the approval of drawings will not exonerate the manufacturer from any responsibility in the manufacture of a boiler or accessory constructed thereto should any departure be made from these regulations governing the material or workmanship.

5.—*Fees for Survey of Drawings, Etc.*

The fees for surveying designs or revisions of designs of boilers and accessories for approval and registration shall be as follows:

Vertical tubular to 36" dia.....	\$ 5.00
All other boiler designs.....	10.00
Power plant piping up to 500 horse power.....	5.00
Power plant piping from 500 to 1,000 horse power.....	7.50
Power plant piping over 1,000 horse power.....	10.00
Boiler accessories, such as safety valves, stop valves, steam gauges, etc., for each design.....	3.00

NOTE.—Fees must accompany drawings and specifications upon submitting same to the Department for approval.

6.—*Manufacturer's Affidavit Accompanying Boiler.*

Each new boiler intended for operation within this province shall be accompanied by a copy of the approved specifications provided by the manufacturer for identification purposes, and this form must contain affidavit of the boiler shop foreman under whose supervision the boiler was constructed.

Specification and affidavit forms are provided by the Department of Public Works, Edmonton, for this purpose, and will be supplied to the manufacturer upon application, each form being filled in to contain the complete data required.

Following is a list of forms to be used for the various type of boilers:

Form 18A.—Detailing construction and material of locomotive type boilers.

Form 18B.—Detailing construction and material of horizontal tubular type boilers.

Form 18C.—Detailing construction and material of internal furnace tubular type, or of vertical type boilers.

Form 18D.—Detailing construction and material of water tube type boilers.

When the inspector has noted this affidavit and specifications, and compared the same with the boiler during the initial inspection, he must then file it with the Department.

7.—*Identification.*

Every boiler built under these regulations shall be stamped legibly on the plates of the boiler on the place hereafter indicated, as follows, in figures at least one-quarter of an inch in size.

- (a) Builders' name and number of boiler.
- (b) Provincial letter and registration number of design.
- (c) Lowest tensile strength of any shell plate in the boiler, with "S" for steel and "I" for iron.
- (d) The name of the plate manufacturer.
- (e) The date of construction, thus: Day of month, numerical order of month, last two figures of year.

A sample stamping would be as below, it being stamped legibly and fully into the plate of the boiler itself (not the smoke box.)

- (a) Name in full. 777.
- (b) A. 555 (for Alberta).
- (c) 55000. S.
- (d) Name in full.
- (e) 26.10.10.

The locations of stamping shall be as follows:

On horizontal return tubular boilers, on centre of front head above tubes.

On portable and locomotive types, on right side of fire door, clear of attachments.

On water tube boilers, on the end of steam drum above manhole door.

On internally fired boilers, with circular furnaces, on right side of fire doors, if practicable.

On vertical boilers, on right side of fire door.

All new heating boilers must be stamped "FOR HEATING PURPOSES ONLY" on front head above tubes, or any conspicuous place on the shell.

III.—DESIGN.

8.—*Cylindrical Portions of Boilers.*

Cylindrical portions of boilers, such as shells or barrels, domes, drums or reservoirs, shall be made as nearly as possible truly cylindrical.

All surfaces formed to a true circular curve, except in surfaces otherwise provided for, shall be calculated in a similar manner to cylindrical shells, but when they or other parts are not so made, or are parts of true cylinders of different radii, they must be treated as flat surfaces, and stayed accordingly, and in any case at the change of curvature.

9.—*Thickness of Plates.*

The minimum thickness of any plate used in the construction of a boiler under these regulations shall be one-fourth ($\frac{1}{4}$) of an inch, and in all cases excepting for internally fired boilers exceeding 72" (seventy-two inches) diameter, the thickness of boiler heads having a diameter up to 40 inches shall not be less than $\frac{5}{16}$ inches; diameters over 40 inches and up to 52 inches, not less than $\frac{3}{8}$ inches; diameters over 52 inches and up to 60 inches, not less than $\frac{7}{16}$ inches, and not less than $\frac{1}{16}$ inch additional thickness for every six inches additional diameter for boilers above 60 inches diameter.

The thickness of all plates in cylindrical portions of shells or drums shall be alike (excepting for tube section of water tube boilers), and that required for the working pressure of any part according to formula hereafter given, but must not be less than one-quarter inch.

The minimum thickness of plates in stayed surface construction shall be five-sixteenths ($\frac{5}{16}$) of an inch.

10.—*Maximum Diameter of Boiler.*

Seventy-two inches shall be the maximum diameter for all externally fired boilers.

11.—*Reinforcing Plates.*

(a) For standard pipe connections below water line exceeding $\frac{3}{4}$ inch diameter, and not exceeding two inches in diameter, and for standard pipe connections above water line exceeding one inch in diameter and not exceeding

two inches in diameter, the openings in boiler shall be reinforced, with a plate securely riveted to the shell, the threads being made continuous and full size through both plates, and the pipe fitting tightly in both.

(b) Instead of the reinforcing plates required by the above clause, forged steel flanges threaded to receive the pipe may be used, except at blow-off outlet, and must be riveted to the outside of shell. The threaded portion for pipes up to $1\frac{1}{4}$ inch bore shall have a depth of not less than one inch; for pipes $1\frac{1}{2}$ in. bore the depth shall be not less than $1\frac{1}{4}$ in.; and for pipes up to two inches bore the depth shall not be less than $1\frac{1}{2}$ inches. The thickness of flange for pipes up to $1\frac{1}{4}$ in. bore shall not be less than $\frac{5}{16}$ inch, and for pipes exceeding $1\frac{1}{4}$ inch bore and up to two inches bore shall be not less than $\frac{3}{8}$ inch thick. Opening in boiler shell shall be drilled to size not more than $\frac{1}{4}$ of an inch greater in diameter than the bore of the flange.

(c) For all connections exceeding two inches in diameter, except at blow-off outlet, flanged nozzles riveted to the boiler must be used. For working pressures exceeding one hundred pounds per sq. inch the nozzles must in all cases be of steel. For traction boilers, steel flange bases riveted to the boiler may be used instead of flanged nozzles for connections up to and including 3 inches in diameter.

(d) Other openings in cylindrical parts of boilers, drums or other parts shall be reinforced in all cases when their measurement exceeds $2\frac{1}{2}'' \times 3\frac{1}{2}''$.

(e) All openings in flat or cambered surfaces of boilers, drums or other parts exceeding $2\frac{1}{2}'' \times 3\frac{1}{2}''$ shall be reinforced or (if exceeding $\frac{3}{8}''$ thick) flanged.

All reinforcement rings or plates must be fitted to lie closely to the plates they reinforce, and be at least the same thickness.

12.—Reinforcing Plates Where Brackets are Attached.

Where brackets or other fixtures subjected to any working strain are attached to a traction or portable boiler, the plates to which these brackets are attached shall be reinforced with plates of the same thickness as the outer plates, and properly riveted together. The outer rows of rivets attaching reinforcing plates must be outside the bracket. All brackets shall be properly fitted (without white metal or other filling) to the plates, flat or curved, with stud holes drilled to suit the holes in brackets, which must be drilled to templates and tapped 12 threads per inch. The use of cap screws will not be permitted for this purpose.

(a) Provided: Where the shell plates are not less than one-half inch in thickness throughout, the reinforcing plates referred to in the preceding paragraph may be omitted.

13.—Manholes.

All boilers shall be provided with the prescribed number of manholes of standard size, strengthened with reinforcing ring cut from boiler plate of at least same thickness as the shell, and equal, exclusive of rivet holes, to the area of section cut from shell in line with its longitudinal axis, riveted around the manhole opening.

A flange formed inwards on the reinforcing plate to receive the door is required. The reinforcing plate must be placed on the inside of boiler, except in boilers under forty-two (42) inches diameter, when it may be placed outside.

All manholes in flat surfaces must be flanged from solid plate inwards.

All manhole flanges less than eleven-sixteenths ($\frac{11}{16}$) of an inch must have a ring not less than three-quarters ($\frac{3}{4}$) of an inch by one and one-half ($1\frac{1}{2}$) inches securely shrunk around flange, which shall be faced to form a joint.

The rivets holding reinforcing rings to shell must be sufficient for caulking purposes, per section 28, but their area in no case shall be less than one hundred and twenty per cent. (120%) above the net sectional area of part cut from shell in line of its longitudinal axis.

14.—Location of Manholes.

There shall be a standard manhole in the upper part of the shell of a fire-tube boiler 42 inches and above in diameter, excepting vertical fire-tube boilers, where the furnace or tubes prevent access to the interior of the boiler.

(a) Horizontal cylindrical boilers 48 inches in diameter and upwards shall contain two manholes not less than 10 inches by 15 inches in the clear, one in the front head below the tubes, and one in the shell above the tubes. In boilers sixty-six (66) inches and above in diameter, manholes shall be 12 inches by 16 inches in the clear.

15.—Manhole and Handhole Doors, Bolts and Bridges.

Manhole doors must be well fitted and faced off. The possible lateral motion in no case exceeding one-eighth ($\frac{1}{8}$) inch. Cast iron manhole door of good design, and material, may be used for boilers carrying a pressure not exceeding one hundred (100) pounds. Doors not exceeding twelve (12) inches by sixteen (16) inches to be made of steel plate at least one inch thick, or of approved pressed steel design five-eighths ($\frac{5}{8}$) inch thick, for pressures to one hundred and twenty-five (125) pounds inclusive; and to two hundred (200) pounds pressure inclusive, these shall not be less than one and one-eighth ($1\frac{1}{8}$) inches and eleven-sixteenths ($11/16$) inch thick respectively. If two flat plates riveted together are used for manhole doors, the plate forming flange must be not less than $\frac{3}{4}$ inch thick, and the thickness of the two plates must be not less than 1" and $1\frac{1}{8}$ " respectively. The plates must be well riveted together.

(a) Manhole doors are to be provided with two bolts at least one and one-quarter ($1\frac{1}{4}$) inches in diameter, having a shoulder on the outside, screwed through the door and riveted to the inside. For pressed steel doors less than $\frac{3}{4}$ " thick, the bolts must be screwed through the door, nutted and riveted over.

(b) For working pressures up to one hundred pounds inclusive, cast iron handhole doors may be used when of good design and material, and may be made of cast malleable for pressures exceeding one hundred pounds when not over two and one-half ($2\frac{1}{2}$) by three and one-half ($3\frac{1}{2}$) inches. When exceeding two and one-half ($2\frac{1}{2}$) by three and one-half ($3\frac{1}{2}$) inches, and a pressure of over one hundred (100) pounds is carried, steel plate doors must be used, the thickness of door flange to be at least the thickness of surrounding shell plate.

(c) Handhole door bolts must be not less than three-quarters ($\frac{3}{4}$) of an inch in diameter, for doors two and one-half by three and one-half ($2\frac{1}{2} \times 3\frac{1}{2}$) inches, and at least seven-eighths ($\frac{7}{8}$) inch when exceeding that size, all bolts being screwed through the door and riveted to the inside.

(d) All bridges used for manhole and handhole doors must be wrought-iron or of pressed steel design, and of ample strength to withstand the stress put upon them. Bridges used for doors not exceeding two and one-half by three and one-half ($2\frac{1}{2} \times 3\frac{1}{2}$) inches may be cast malleable iron.

16.—Handholes and Washout Plugs.

All cylindrical horizontal boilers less than 42 inches in diameter must be provided with a handhole in each head below the tubes not less than three by four and one-half ($3 \times 4\frac{1}{2}$) inches, the opening being either flanged or reinforced.

All other types of boilers must be provided with sufficient mudhole or handhole and washout plug openings to provide for properly cleaning and inspecting every part of the boiler. When mudhole openings are threaded, the plugs must in all cases be of brass.

17.—Handholes and Washout Holes in Loco Type.

A locomotive type boiler shall be provided with sufficient handholes and washout plug openings to allow the whole of the interior to be properly cleaned out and inspected.

In no case shall there be less than six handholes, or less than twelve such openings in all, the whole to be located as approved in design, due regard being observed to facility of access when the machinery or other attachments are mounted on the boiler. Wet bottom boilers must have a plug opening in the lowest part of shell, and have a drainage tube in bottom to drain ashpan.

18.—Firehole Doors.

Fireholes in portable, traction and locomotive firebox boilers and in vertical boilers exceeding thirty inches diameter, must not be less than 10 inches by 15 inches, or equivalent area if the maximum dimension is not less than fourteen (14) inches in the clear, to allow for examination of firebox.

19.—Handholes in Vertical Boilers.

All vertical fire-tube boilers shall have not less than seven (7) openings for cleaning out purposes, located as follows: One (1) at the water line four inches by six inches, three (3) in line with the lower tube sheet, two (2) at

bottom of water leg, one (1) one inch plug opening under firehole door. Boilers exceeding 36 inches in diameter shall contain two (2) four by six (4 x 6) inch handholes located at the water line placed opposite to one another. Boilers under thirty (30) inches in diameter may contain 2½" x 3½" handholes at water line instead of 4" x 6" as above.

20.—Minimum Diameter of Stay.

No stay less than seven-eighths ($\frac{7}{8}$) inch, as measured over the threads, shall be used in the construction of any boiler.

21.—Screwed Stays to Have Substantial Heads.

Screwed stays (not fitted with nuts) must be thoroughly fitted to the sheets, be well set up, and the ends well riveted over, to form good substantial heads, but standing not more than two and one-half or less than two threads above the sheet at their centre. The number of threads per inch shall not exceed twelve, or be less than eleven in any plate or shell in a boiler, except for standard steam and water pipe sizes. The use of the Whitworth type of thread is recommended. Where stay nuts are used they must have true and smooth bearing on the sheets, or washers when brought up.

22.—Maximum Working Stress on Stays.

The maximum working stress on stays shall be as follows:

(a) Iron. For screw stays and other stays which have been welded, 5,000 pounds per square inch net section will be the maximum stress allowed. For screw stays and other stays not welded, 7,000 pounds per square inch net section will be the maximum stress allowed.

(b) Steel. For screw stays and other stays less than one and one-half ($1\frac{1}{2}$) square inches net sectional area, 8,000 pounds per square inch will be the maximum stress allowed. For all other stays 9,000 pounds per square inch net section will be the maximum stress allowed.

(c) Steel stays may be upset at ends, but not welded in any way. Longitudinal stays must be secured to heads by nuts and washers, and not riveted over on the sheets, excepting that, when the ends of longitudinal stays, if secured by nuts and washers, would be exposed to the action of the fire, as in the case of back ends of longitudinal stays below the tubes of horizontal tubular boilers, they may be attached to angles, stay-plates, or tee bars riveted to the boiler head, having an ample water space between them and the head of the boiler.

Holes in the sheets for stays not screwed into or riveted to plates must not be more than one-sixteenth of an inch ($1/16$) larger than the diameter of the stay, and drilled to size.

Stays must be arranged so as to admit of free access to the interior of the boiler.

23.—Working Stress on Studs and Bolts.

Maximum stress on studs and bolts used for dome covers, flanges and accessories, will be taken as follows:

DIA. OF BOLT OR STUD.	ALLOWABLE STRESS.
$\frac{3}{4}$ inch.....	3,000 pounds per square inch.
$\frac{7}{8}$ inch.....	4,000 " "
1 inch.....	5,000 " "
$1\frac{1}{4}$ inches.....	5,500 " "
$1\frac{1}{2}$ inches.....	6,000 " "
$1\frac{3}{4}$ inches.....	6,500 " "
2 inches.....	7,000 " "

Studs screwed into plain flanges, etc., must be tapped in to a depth of not less than the diameter of the stud.

24.—Domes on Cylindrical Parts of Boilers and Openings for Other Purposes.

An opening for a dome, manhole, handhole, or for other purposes in the shell or cylindrical part of any boiler must have its shorter axis parallel to the longitudinal axis of the same. When the shorter axis exceeds two and one-half inches the opening shall be reinforced. The reinforcing plate must be carefully fitted and riveted to the shell and be at least equal in cross section

and strength (exclusive of rivet holes) to the section of plate cut out of shell or covered by the dome in line with its longitudinal axis. The combined area of rivets securing the reinforcement to shell must be, exclusive of those necessary to hold dome to shell, one hundred and twenty (120) per cent. in excess of the area of section so removed or measured. The pitch at caulking edges not to exceed those allowed by section 28.

25.—Maximum Working Pressure Allowed on a Boiler.

The maximum working pressure to be allowed on the shell of a boiler or drum constructed of steel or wrought iron shall be determined from the minimum thickness of the shell plates, the lowest tensile strength stamped on the plates by the plate manufacturers, or as established by authoritative test, the efficiency of the longitudinal joint, or ligament between the tube holes, whichever is the least, the inside diameter of the outside course, and the lowest factor of safety allowed by these rules, the formula being:

$$B = \frac{2T \times TS \times K}{Dr \times F}$$

B = Maximum allowable working pressure in lbs., per square inch.

T = Maximum thickness of shell plates in inches.

TS = Tensile strength of plate in pounds per square inch.

K = Efficiency of longitudinal joint, or ligament between the tube holes, the lesser of the two to be taken.

Dr = The inside diameter of the outside course of the shell or drum expressed in inches.

F = Lowest factor of safety allowed by these regulations.

26.—Efficiency of Ligament.

When a shell or drum is drilled for tube holes in a line parallel to the axis of the shell or drum, the efficiency of the ligament between the tube holes shall be determined as follows:

(a) When the pitch of tube holes on every row is equal, the formula is:

$$\frac{P_1 - dr}{P_1} = \text{Efficiency of ligament.}$$

P₁ = Pitch of tube holes in inches.

dr = Diameter of tube holes in plate in inches.

(b) When the pitch of tube holes on any one row is unequal, but pitched in regular sequence, the formula is:

$$\frac{P_2 - n_2 dr}{P_2} = \text{Efficiency of ligament.}$$

P₂ = Unit length of ligament

n₂ = Number of tube holes in length P₂.

dr = Diameter of the tube holes in plate in inches.

(c) When a shell or drum is drilled for tube holes in a line diagonal with the axis of the shell or drum, and when the pitch of the holes in every row is equal, the efficiency of the ligament between the tube holes shall be determined as follows:

$$\frac{P_3 - dr}{P_3 \times \cos \sphericalangle}$$

P₃ = Diagonal pitch of tube holes in plate in inches.

dr = Diameter of tube holes in inches.

∠ = Angle of inclination of tubes to the longitudinal axis of shell or drum.

27.—Factors of Safety.

Boilers well constructed and made of good material, shall be allowed a higher working pressure than boilers inferior in these respects.

When cylindrical shells of boilers are made of the best material (either iron or steel), with all holes drilled in place from the solid plate, the plates afterwards taken apart and the burrs removed, and all longitudinal seams fitted with double butt straps, each at least five-eighths the thickness of the plates they cover, the seams being double-riveted with rivets having an allowance of not more than 75 per cent. over the single shear, and having the circumferential seams constructed so that the percentage is at least

one-half that of the longitudinal seams, and provided that the boiler has been inspected by inspectors authorized by the Act during the whole period of construction, in accordance with these regulations, then 4.5 may be used as a factor of safety. But when the above conditions have not been complied with, the additions in the following scale must be added to the factor of safety, according to the circumstances of each case.

To be added to Factor of 4.50.

- (a) .10 holes in longitudinal seams, fair and good, but drilled from solid out of place after bending edges of plates.
- (b) .20 holes in longitudinal seams, fair and good, drilled from solid out of place before bending edges of plates.
- (c) .20 holes in longitudinal seams, fair and good, punched after bending edges of plates and reamed after assembling.
- (d) .30 holes in longitudinal seams, fair and good, punched before bending edges of plates and reamed after assembling.
- (e) .07 holes in circumferential seams, fair and good, drilled from solid out of place after rolling plates.
- (f) .10 holes in circumferential seams, fair and good, drilled from solid out of place before rolling plates.
- (g) .10 holes in circumferential seams, fair and good, punched after rolling plates and reamed after assembling.
- (h) .15 holes in circumferential seams, fair and good, punched before rolling plates and reamed after assembling.
- (i) .70 in longitudinal seams, if double butt straps are not fitted, and the said seams are lapped and double riveted.
- (j) .50 in longitudinal seams, if double butt straps are not fitted and the said seams are lapped and treble riveted.
- (k) .60 in longitudinal seams, if only single butt straps are fitted and the said seams are double riveted.
- (l) 1.00 in longitudinal seams, when any description of joint is only single riveted, or when double butt straps are used, and only one row of rivets is in double shear.
- ‡(m) .50 holes or rivets in longitudinal seams, not fair or not good.
- ‡(n) .20 holes or rivets in circumferential seams, not fair or not good.
- (o) .40 holes in any seams not properly spaced in crossing.
- ‡(p) .40 when material is doubtful and not properly stamped, in accordance with these regulations.
- ** (q) .50 if joints are not close fitting, the plates being open when boiler is finished, or workmanship unsatisfactory.
- (r) .50 if boiler has not been inspected by inspectors authorized by the Act during the whole period of construction, in accordance with these regulations.

Where marked ‡ the inspector may, according to circumstances, increase the factor given, and in the event of satisfactory information not being obtainable, the inspector shall use a basic factor of safety of five, with such additions as his judgment may dictate.

In the foregoing (a), (b), (c), (d), (e), (f), (g), (h) must be used separately, but may be added, when justified, to either (i), (j), (k), (l), (m) or (n), separately, and to (o), (p), (q), or (r) separately, or to the whole four latter when calculating the efficiency of a joint.

(s) Where any boiler has been subjected to overheating, strained by forcing, crystallized by age or otherwise impaired, the factor of safety expressed in section 27 shall be increased according to the discretion of the inspector.

Nothing in the regulations shall be construed as requiring the Department to provide for the inspection of boilers outside of the province.

28.—Maximum Pitches for Riveted Joints.

$$pM = (C \times T) + 1\frac{1}{8}.$$

When—

T = Thickness of plate in inches.

pM = Maximum pitch of rivets in inches immediately inside the caulking edge or edges.

C = Constant applicable from the following table:

No. of rivets in one
pitch, p, (a) (b) (c)
(d) and in one pitch
p joint (e) Sec. 32.

Constant for
Lap Joint.

Constant for Double
Butt Strap Joints.

2	1	1.31	1.75
	2	2.62	3.50
	3	3.47	4.63
	4	4.14	5.52
	5	.....	6.00

When work is first class, such pitches may be adopted, so far as safety is concerned, yet, in some cases, it may not be well to adopt the greatest pitch found by the formula. The maximum pitch should not exceed ten inches, with the thickest plates for boiler shells.

29.—Lap Outside Rivets.

The lap outside rivet shank as measured from edge of rivet hole to edge of plate must be at least equal to diameter of rivet hole.

30.—Minimum Diameter of Rivet.

The minimum diameter of rivets in riveted joints shall be five eighths ($\frac{5}{8}$) of an inch after driving, and in no case less than the thickness of any one plate in joint.

31.—Rivet Heads.

The button head or partly spherical form of ordinary rivet heads is recommended, made to the sizes given in the following table:

SIZE	BUTTON HEADS		COUNTERSUNK	
	Height	Diameter at base	Depth	Diameter at outside of sheet
$\frac{1}{8}$ "	15/32"	$1\frac{1}{8}$ "	5/16"	1"
$\frac{3}{8}$ "	9/16"	$1\frac{5}{16}$ "	$\frac{3}{8}$ "	$1\frac{3}{16}$ "
$\frac{1}{2}$ "	21/32"	$1\frac{3}{4}$ "	7/16"	$1\frac{1}{2}$ "
$\frac{3}{4}$ "	$\frac{3}{4}$ "	$1\frac{1}{2}$ "	$\frac{1}{2}$ "	$1\frac{9}{16}$ "

Providing conical head rivets are used, the following proportions should be followed: The lap of the head at each side of shank should be about $\frac{1}{4}$ of an inch for a $\frac{3}{8}$ inch rivet, $\frac{5}{16}$ of an inch for $\frac{1}{2}$ inch rivets, and $\frac{3}{8}$ of an inch for 1 inch rivets.

The height should not be less than three-quarters of the diameter of the rivet.

32.—Efficiency of Riveted Joints.

The efficiency that a unit of length of a riveted joint has to the same unit of length of the solid plate of which that joint is composed shall be calculated by the following formula:

In the following formula the strength of rivets is double shear is taken as being 1.75 times their strength in single shear:

$$C = \text{a constant} = \frac{\text{Shearing strength of rivets per square inch.}}{\text{Tensile strength of plate per square inch.}}$$

and may be taken as:

- .85 for iron rivets and iron plates.
- .70 for steel rivets and steel plates.
- .65 for iron rivets and steel plates.

Chain riveted joints are prohibited for use under these regulations, which allow for use in boilers only the staggered types of riveting, and limit the number of rows of effective rivets in joints to three, whether in lap or butt strap construction.

K = Efficiency of joint.

K_t = Efficiency of plate in joint.

K_s = Efficiency of rivets in joint.

K_{st} = Efficiency of combined plate and rivets in joint.

$K = K_t, K_s$ or K_{st} , whichever is least.

P = Pitch of rivets in outside row when calculating the efficiency of joints.

T = Thickness of plate in inches.

T_1 = Thickness of each butt strap in inches.

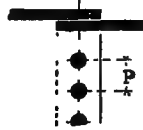
d = Diameter of rivet holes in joint.

(a) *Single Riveted Lap Joint.*

$$K_t = \frac{P - d}{P}$$

$$K_s = \frac{a}{P \times T} \times C$$

a = Area of one rivet in single shear.

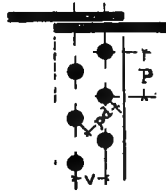


(b) *Double Riveted Lap Joint.*

$$K_t = \frac{P - d}{P}$$

$$K_s = \frac{2a}{P \times T} \times C$$

$2a$ = Area of two rivets in single shear.



(c) *Treble Riveted Lap Joint.*

$$K_t = \frac{P - d}{P}$$

$$K_s = \frac{3a}{P \times T} \times C$$

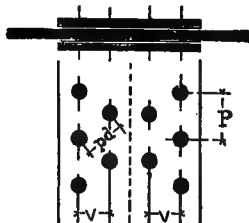
$3a$ = Area of three rivets in single shear.

Single, double or treble riveted butt strap joints, with single butt straps, shall be considered equal respectively to single, double or treble riveted lap joints.

(d) *Double Riveted Butt Joints with Equal Straps and Equal Pitch of Rivets in Each Row.*

$$K_t = \frac{P - d}{P}$$

$$K_s = \frac{3.5a}{P \times T} \times C$$

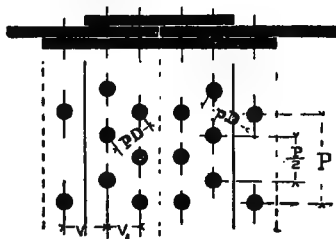


$3.5a$ = Area of two rivets in double shear.

(e) *Treble Riveted Butt Joints with Unequal Straps and every other Rivet Omitted in Outer Row.*

$$K_t = \frac{P-d}{P}$$

$$K_s = \frac{8a}{P \times T} \times C$$



$8a$ = Area of four rivets in double shear, plus one rivet in single shear.

$$K_{st} = \frac{(a \times C) + [(P-2d) \times T]}{P \times T}$$

a = Area of one rivet in outer row in single shear.

33.—Distance Between Rows of Rivets.

(a) $V = \sqrt{\frac{(11P+4d)(P+4d)}{10}}$ = Minimum distance in inches between rows of rivets for lap joints and double riveted butt joint with straps of equal width, when every other rivet is omitted in the outer row. And treble riveted butt joints, with straps of equal width, with full number of rivets in all rows.

(b) $V = \sqrt{\left(\frac{11}{20}P+d\right)\left(\frac{1}{20}P+d\right)}$ = Minimum distance in inches between rows of rivets in double riveted butt joints with equal straps, and with full number of rivets in all rows. And between outer and middle rows of rivets for treble riveted butt joints when every other rivet is omitted in the outer row.

(c) $V_1 = \sqrt{\frac{(11P+8d)(P+8d)}{20}}$ = Minimum distance in inches for treble riveted butt joints between inner and middle rows when every other rivet is omitted in outer row.

(d) $PD = \frac{3P+4d}{10}$ = Minimum diagonal pitch in inches for treble riveted butt joints between inner and middle row when every other rivet is omitted in outer row.

(e) $pd = \frac{6p+4d}{10}$ = Minimum diagonal pitch in inches for all rows in double and treble riveted lap joints also for double and treble riveted butt joints, with full number of rivets in all rows.

(f) $pD = \frac{3}{10}P+d$ = Minimum diagonal pitch in inches for outer and middle rows of treble riveted butt joints, when every other rivet is omitted in outer row.

34.—Butt Straps, with Full Number Rivets in All Rows.

$$T_1 \text{ for double butt straps} = \frac{5 \times T}{8}$$

$$T_1 \text{ for single butt straps} = \frac{9 \times T}{8}$$

35.—*Double Butt Straps, when every other Rivet is Omitted in Outer Row*

$$T_1 = \frac{5 \times T(P-d)}{8(P-2d)}$$

36.—*Longitudinal Seams.*

The longitudinal seam of a cylindrical boiler shell or drum shall not have a continuous length exceeding ten (10) feet, and the difference in location of adjoining longitudinal seams shall not be less than thirty (30) degrees, as measured in cross section. All such seams must be located above the horizontal centre line.

In designs where any departure from the above requirements is unavoidable, special consideration may be given to same by the Department.

37.—*Cylindrical Heads, Either Dished or Flat.*

Convex heads will not require staying providing they are one-sixteenth inch thicker than the shell or drum plates to which they are attached, and are also dished truly spherical to a radius not less than the diameter of same.

When convex heads are dished to a radius greater than the diameter of the shell to which they are attached, the working pressure allowable may be calculated by the following formula:

$$B = \frac{(t-1) \times TS}{R \times 56}$$

If the working pressure as thus calculated is less than the pressure allowable for the shell to which they are attached, they may be calculated as flat surfaces, allowing in the calculations for the value of resistance to rupture or collapse as found by the formula.

Where—

B=Pressure allowable in pounds per square inch.

t=Thickness of plate in sixteenths of an inch.

TS=Tensile strength of plate, per square inch.

R=Radius to which head is bumped in inches.

h=Camber or height of bump measured from chord in inches.

c=Diameter of spherical portion of head, exclusive or radius at flange in inches.

38.—*Radius to Which Head is Bumped.*

$$R = \frac{(\frac{1}{2}c)^2 + h^2}{2h}$$

will give a radius to which a head is bumped, care being taken to measure h and c correctly.

39.—*Concave Heads.*

Concave heads are to be considered as only sixty per cent. of the strength of convex after calculating as provided in section 37. The circumferential joints for all such heads must be at least fifty-five per cent. the value of the solid plate, and double riveted where practicable.

40.—*Flat Heads.*

Flat heads other than dome heads should be stayed preferably by longitudinal stays having substantial upset ends and fitted with nuts and washers, the area to be stayed being determined as follows: When the head is flanged and riveted to the shell, a portion of it becomes stiff enough to carry the boiler pressure without depending upon the braces. The distance that thus becomes self-supporting may be determined by the following formula:

The allowance in inches for shell as stay to head to equal—

$$\frac{1}{2} \sqrt{\frac{112 \times t^2}{B}} \text{ or radius of curvature of head flange, whichever is greatest.}$$

t=Thickness of head in sixteenths of an inch.

B=Working pressure.

41.—Area of Head to be Stayed.

When the area of any segment of a head to be stayed is required, the following formula shall be used:

$$A = \frac{4h^2}{3} \sqrt{\frac{2R}{h} - .608}$$

h=Height in inches of segment to be supported. (See sections 40 and 47a).

A=Area of the segment in square inches.

R=Radius in inches of segment to be supported.

42.—Diagonal Stays.

Diagonal stays must be increased in area to an amount which shall be not less than the area that would be required for a direct stay, multiplied by $\frac{H}{L}$.

When H equals the length of diagonal stays, L equals the length of a line drawn at right angles from the surface to be supported to a point on this line at right angles to the end of the diagonal stay.

The angle which a diagonal stay makes with the shell shall not exceed thirty degrees (30°), and should be as much less as possible. The welding of crow feet or palm ends to stays is prohibited.

43.—Rivet Area for Stays.

The rivet area attaching stays of all kinds to a head or shell shall aggregate twenty per cent. (20%) greater than the stay area.

Where a stay end is attached to angle or tee bars by a stay pin in double shear, the pin may have an area of twenty-five per cent. (25%) less than the stay.

44.—Minimum Diameter of Rivets in Stays.

The minimum diameter of rivets attaching stays of all kinds shall be three-quarters ($\frac{3}{4}$) of an inch.

45.—Gusset Stays.

When gusset stays are used, they must be attached to plates between two angle irons, an allowance in area of ten per cent. (10%) being allowed in excess of that required for diagonal stays.

The working pressure allowed for gusset stays shall be calculated as follows:

$$B = \frac{Swt \times W \times T}{E} \times \frac{L}{H} \times .9$$

Where—

E=Area in square inches of surface supported.

Swt=Working tensile strength in pounds per square inch.

W=Width of web of stay at narrowest part.

T=Thickness of web in inches.

H=As for diagonal stays.

L=As for diagonal stays.

46.—Flat Surfaces.

The maximum stress allowable on flat plates supported by stays shall be determined by the following formula:

All stayed surfaces formed to a curve, the radius of which is over 21 inches, excepting surfaces otherwise provided for, shall be deemed flat surfaces.

$$\text{Working pressure} = \frac{C \times t^2}{p^2}$$

Where—

t=Thickness of plates in sixteenths of an inch. Where doubling plates are used for "t" take 75% of the combined thickness of both plates.

p=Pitch of stays in inches when equally spaced in both directions.

C=112 for screw stays with riveted heads, plates seven-sixteenths of an inch thick and under.

- C=120 for screw stays with riveted heads, plates over seven-sixteenths of an inch thick.
- C=120 for screw stays with nut outside sheet, plates seven-sixteenths of an inch thick and under.
- C=125 for screw stays with nut outside sheet, plates over seven-sixteenths of an inch thick and under nine-sixteenths of an inch.
- C=135 for screw stays with nut outside sheet, plates nine-sixteenths of an inch thick and over.
- C=175 for stays with double nuts having one nut on the inside and one nut on the outside of plate, without washers or doubling plates.
- C=160 for stays fitted with washers or doubling strips which have a thickness of at least the thickness of the plate, and a diameter of at least .5 of the greatest pitch of the stay, riveted to the outside of the plates, and stays having one nut inside of the plate, and one nut outside of the washer or doubling strip. For t take 75 per cent. of the combined thickness of the plate and washer or plate and doubling strip.
- C=200 for stays fitted with doubling strips which have a thickness equal to at least the thickness of the plates reinforced, and covering the full area braced (up to the curvature of the flange, if any), riveted to the plate, and stays having one nut outside and one inside of the plates. Doubling plates to be substantially riveted. For t take 75 per cent. of the combined thickness of the two plates.
- C=200 for stays with plates stiffened with tees or angle bars having a thickness of at least the thickness of plate and depth of webs at least one-fourth of the greatest pitch of these stays, and substantially riveted to the plates, and stays having one nut inside bearing on washers fitted to the edges of the webs, that are at right angles to the plate. For t , take 75 per cent. of the combined thickness of web and plate.

When the Pitches of Stays are Unequal.

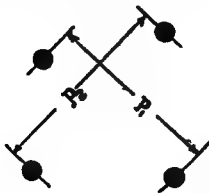
$$\frac{p^2 + w^2}{2} \text{ is to be taken instead of } p^2$$

l = The pitch of stays in inches in one row.

w = Distance in inches between two rows of stays.

46a.—Irregular Staying.

In case of irregular staying, as in figure—



$$\frac{(p_1 + p_2)^2}{8} \text{ is to be taken instead of } p^2$$

47.—Tube Sheets.

The minimum thickness for a tube sheet of any size shall be five-sixteenths (5/16) of an inch.

47a.—Support Given by the Tubes.

The rectangular area covered by the tubes in tube sheets shall, in accordance with the following formula, be considered as stayed by the tubes, but no value is to be allowed for beading as staying, its use being only to protect ends of tubes from fire or rust.

$$\frac{1}{2} \sqrt{\frac{112 \times t^2}{B}} - \frac{dr}{2} = \text{Distance in inches from edge of tube hole to outside edge of rectangular area stayed by the tubes.}$$

t = Thickness in sixteenths of an inch.

dr = Diameter of tube holes.

B = Working pressure.

47b.—*Minimum Size of Ligament.*

The minimum size of tube sheet ligament between any two tubes in boilers with horizontal tubes shall be three-tenths (.3) square inches in section or not less than three-fourths of a lineal inch measurement, whichever gives the greater pitch. For vertical boilers the minimum size shall be three-tenths (.3) square inches in section, or one-half ($\frac{1}{2}$) of a lineal inch measurement, whichever gives the greater pitch.

47c.—*Compressive Stress on Tube Sheet.*

A greater compressive stress shall not be allowed on the upper edges of tube sheets (when crown sheets are supported by girders, and the ends of such girders rest on the upper edges of tube sheets, the girders not being supported by sling stays) than is found by the following formula, which limits such compressive stress to 9,000 pounds per square inch of sheet between tubes:

$$B = \frac{(D - dr_1)T \times 18000}{D \times W}$$

D = Least horizontal distance between centres of tubes in inches.

dr₁ = Inside diameter of tubes in inches.

T = Thickness of tube plate in inches.

W = Distance in inches between tube sheet and opposite side of combustion or fire box.

The area of the tube sheet between the upper side of tubes and the bearing point of girder must be sufficient to transmit without distortion of the tube plate the stress above dealt with.

48.—*Belly Stays.*

In boilers thirty-six inches and upwards in diameter of the locomotive type with straight fire box tube sheets, the portion of tube sheet between bottom tubes and top staybolts in throat sheet must be stayed as for flat surfaces by belly stays riveted to the barrel, their ends arranged to receive the bolt from tube sheet.

49.—*Internally Fired Furnaces or Parts of Boilers (other than Ordinary Fire Tubes) Subjected to Compression.*

The furnace plates in plain circular internally fired furnaces, not exceeding 42 inches in diameter, must be stayed as flat surfaces, allowing in the calculations for such seventy-five per cent. (75%) of the value of the resistance to collapse, as found by the following formula, the pitch of the stays being computed by the rule for flat surfaces, but the pitch shall in no case exceed eight inches on the furnace plate. For furnaces over forty-two inches in diameter, no allowance for value of resistance to collapse shall be made. Care must be taken not to reduce the efficiency of the riveted joint when applying these stays.

$$B = \frac{C \times T^2}{(L_1 + 1)Dr}$$

Where—

Dr = Outside diameter of furnace in inches.

T = Thickness of plate in inches.

L₁ = Length of furnace in feet, or length between rings.

C = Constant according to the following circumstances.

B = Working pressure per square inch, which must not exceed that found by the limiting formula, as follows:

$$B = \frac{10000 \times T}{Dr}$$

Furnaces with butt joints and rivet holes punched small and reamed out in place.

112500 where the longitudinal seams are double riveted, and fitted with single butt straps.

100000 where the longitudinal seam is single riveted, and fitted with single butt strap.

112500 where the longitudinal seam is single riveted, and fitted with double butt straps, or where seam is welded.

Furnaces with lap joints and rivet holes punched small and reamed out in place.

96000 where the longitudinal seams are double riveted.

87500 where the longitudinal seams are single riveted.

49a.—Adamson Type Furnaces.

For furnaces of Adamson type which do not require staying,

$$B = \frac{9900 \times T}{3 \times Dr} \times \left(5 - \frac{l_1 + 12}{60 \times T} \right)$$

T = Thickness of plate in inches.

Dr = Outside diameter of body of furnace in inches.

l_1 = Length in inches between flanges.

49b.—Corrugated Steel Furnaces.

$$B = \frac{14000 \times T}{Dr}$$

Where—

T = Thickness in inches.

Dr = Outside diameter in inches, measured at the bottom of the corrugations.

50.—Truncated Cones.

Flues used in vertical boilers as upper combustion chambers formed in the shape of a frustum of a cone when new and made to true circles, shall be allowed steam pressure according to the following formula:

$$B = \frac{965.625t - 53.045l_1}{Dr}$$

B = Working pressure in pounds per square inch.

t = Thickness of cone in sixteenths of an inch not to be less than five-sixteenths of an inch.

Dr = Outside mean diameter in inches.

l_1 = Length of cone in inches, which must not exceed $(135 \times \text{thickness of cone plate in inches}) - 12$.

When the mean diameter of frustum of cone exceeds 36 inches, the cone shall be deemed a flat surface, and must be stayed accordingly.

51.—Crown Sheets in Loco Type or Other Boilers.

When the tops of fire boxes or of combustion boxes are flat (excepting the outside sheet is parallel to the same) they may be supported by girders properly fitted to the edges of the tube plate, and the back plate or to the side plates, as the case may be, by chipping and filing, so that a good bearing may be effected on the edges of these sheets, and also upon the flanged curve of the crown sheet. When the tops of fire boxes or combustion boxes are curved, they may be stayed by radial or direct stays, which do not enter the sheets at more than five degrees (5°) from a right angle to a tangent on sheet at point of contact, the pitch and strength of stays being determined by formula. The several longitudinal rows of stays on crown sheets must make equal angles from vertical centre line with the corresponding rows on opposite side, and their pitch shall be determined by the formula for flat surfaces. No stays shall be permitted to pass between the tubes.

51a.—Flat Crown Sheets on Traction and Portable Boilers.

Flat crown sheets shall not be allowed in traction and portable engine boilers, and the camber of same as measured from the extension of sidesheet to meet the curvature of centre of crown sheet shall not be less than the width of firebox $\times 0.14$.

52.—Girder Stays on Crown Sheets.

The working pressure on girder stays supporting the top of fireboxes or combustion boxes shall be calculated by the following formula, the pitches

of girder stays and bolts in same being determined by formula for staying flat surfaces.

$$B = \frac{C \times g^2 \times T}{(W - p) D \times L_1}$$

W = Width in inches of combustion or firebox in line with girder.

p = Pitch of supporting bolts in inches.

D = Distance in inches between girders from centre to centre.

L₁ = Length of girder in feet.

g = Depth of girder in inches at centre.

N = Number of supporting bolts.

T = Thickness of girder in inches.

$$C = \frac{1200N}{(N+1)} \text{ when the number of bolts is odd.}$$

$$C = \frac{1200(N+1)}{N+2} \text{ when the number of bolts is even.}$$

If the girders are made of steel, the value of C is to be increased 10 per cent.

53.—Water Spaces.

The water space outside the furnace of any internally fired boiler shall not be less than two inches in the clear.

When the tops of fire boxes are supported by girders, there shall be a clear waterway between the girders and crown sheet of not less than 1½ inches and preferably 1¾ inches.

54.—Wagon Tops.

Wagon tops or saddle sheets of boilers are preferably made of one sheet with side sheets of water legs. When radial stays from crown sheets enter the wagon top at any point at an angle less than sixty degrees (60°) from a tangent to the wagon top at point of contact, the camber of crown sheet shall be increased to bring the angle within this limit, and insure full threads of stay in wagon top.

55.—Back Heads of Loco Type Boilers.

The portion of back head in a loco type boiler not stayed to firebox will be stayed under the formula for flat surfaces.

56.—Throat Sheets.

Throat sheets in loco type boilers must not be thinner at any point than the sheets they are attached to at the barrel connection. The barrel connection to firebox casing must be double riveted.

57.—Hydrostatic Tests.

When hydrostatic tests are applied to boilers they will be applied in the ratio of one hundred and fifty per cent. of the working pressure.

58.—Tensile Strength.

When the actual tensile strength of steel or wrought iron shell plates is not known, it shall be taken as 55,000 pounds for steel, and 45,000 pounds for wrought iron, provided sample of material cut from the boiler will pass prescribed bending test.

59.—When Special Formula is Necessary.

If it occurs that there are parts of any type of boiler for which formula has not been provided in these regulations, the case shall be submitted to the Department.

IV.—MATERIAL.

60.—*Plate Maker's Name and Tensile Strength.*

Every steel plate intended for the construction of boilers hereafter built for operation under these regulations must be stamped by the makers with their names and the tensile strength. The stamps must be so located that they are plainly visible after boiler is constructed.

61.—*Steel Plates.*

Steel plates are to be homogeneous, made by the open hearth process and having the following qualities:

61a.—*Qualities of Plate and Limits of Same.*

Shell plates, or plates on which flanging is to be done, may have from 55,000 minimum to 65,000 maximum pounds per square inch tensile strength, elastic limit not less than one-half the tensile strength, elongation not less than twenty-two per cent. in eight inches, cold and quench bends 180 degrees flat on itself without fracture on outside of bent portion. Maximum phosphorus .05 per cent., maximum sulphur .05 per cent.

61b.—*Firebox Steel.*

Firebox plates to have from 52,000 minimum to 62,000 maximum pounds per square inch tensile strength, elastic limit not less than one-half the ultimate strength, elongation not less than 26 per cent. in eight inches, cold and quench bends 180 degrees flat on itself without fracture on outside of bent portion. Maximum phosphorus .035 per cent., maximum sulphur .035 per cent.

61c.—*Rivet Steel.*

Steel for boiler rivets to have from 45,000 to 55,000 pounds per square inch tensile strength, elastic limit not less than one-half the tensile strength, elongation not less than 28 per cent. in eight inches, cold and quench bends 180 degrees flat on itself without fracture on outside of bent portion. Maximum phosphorus .04 per cent., maximum sulphur .04 per cent. It must test hot and cold by driving down on an anvil, the rivet being held in a tool. The head must flatten until its diameter is two and a half times the diameter of the shank (hot test), and one and a half times the diameter of the shank for cold test, all without developing cracks or flaws.

62.—*Wrought Iron Plates and Bars.*

Wrought iron, where used, must stand the same bending tests as steel when bent lengthwise, of plates or bars, but the tensile strength will be 20 per cent. less, also the elongation.

The elastic limit will be one-half the tensile strength.

63.—*Braces, Stays and Stay Bolts.*

All braces, stays and stay bolts are to be made of iron or mild steel specially manufactured for the purpose. Iron shall have a tensile strength not less than 46,000 pounds per square inch, elastic limit not less than 26,000 pounds, elongation not less than 22 per cent., in a length of eight inches. Steel to have a tensile strength of 62,000 pounds maximum, and not less than 52,000 pounds, elastic limit not more than 33,000 pounds, or less than 26,000 pounds per square inch, elongation not less than 25 per cent. in eight inches.

63a.—*Tests for Stay Bolts.*

Material for stay bolts must be smoothly rolled and free from slivers, depressions, seams, crop ends and evidences of being burnt.

Iron for stay bolts must stand the following tests: Double bending test. Close in both directions without flaw.

Nick and break test. A bar nicked all around to a depth not less than 8%, and not more than 16% of the diameter of the bar, and broken, shall show a clean fibre entirely free from crystallization.

Steel for stay bolts must stand the following bending test: A bar taken at random full threaded must bend cold 180° around a bar of its own diameter without showing any cracks or flaws. The use of the Whitworth type of thread is recommended for stay bolts.

64.—*Tubes.*

Tubes of whatever material manufactured must be truly cylindrical in form and meet the following physical tests:

For iron and steel the percentage of elongation must be not less than 22% in eight inches, and the tensile strength, elastic limit, etc., must agree with that given for rivet bars.

Any tube, must, when cold, stand without cracking, expanding on a mandril by repeated blows with a hand hammer, until it is one-eighth larger than its original diameter.

A piece cut from the tube must flatten closely without cracking, and a piece cut lengthwise from a tube and flattened must stand bending back on itself both cold and after being heated to a red heat and quenched, without cracking.

65.—*Malleable Iron Castings.*

Malleable iron castings, where used, must be clean and free from cracks. Samples from material intended for use in boilers constructed under these regulations must stand repeated blows from a hammer when cold without fracture.

66.—*Rejection of Material.*

In cases where tests show that for stay bars, rivet bars, tubes or malleable iron castings three pieces (or in cases of lots of a hundred or more, three (3) per cent. of those) subjected to the test, fail to meet the foregoing requirements, the whole lot so submitted may be rejected.

67.—*Cast Iron.*

It is desirable that the use of cast iron in boiler construction under the provisions of these regulations be discontinued.

It may be used for manhole plates, handhole plates and nozzles, for pressure not exceeding one hundred pounds, but its use for manhole rings, steam domes, or like purposes, is prohibited.

It must be clean and of a soft grey texture.

Cast iron flanges and fittings shall not be used on any steam main or connection used to carry superheated steam.

68.—*Steel Castings.*

Steel castings may be made by the open hearth or basic process, but must receive such heat treatment as will produce a fine grained, homogeneous and tough metal, free from slag, cracks and cavities, injurious blowholes and surface or other defects.

Tensile strength per square inch not below 60,000 pounds.

Elongation in 2 inches not below 23 per cent.

Reduction in area not below 30 per cent.

Phosphorus not over .06 per cent.

Sulphur not over .06 per cent.

V.—WORKMANSHIP.

69.—*Good Workmanship Essential.*

The manner in which punching, swaging, cutting and caulking or beading tools, whether hand or machine used, are maintained, also the character of workmanship generally, will be taken into consideration when determining the factor of safety. No leaks will be permitted to continue.

70.—*Plates Not to be Damaged During Construction.*

The edges of all plates must be neatly planed, sheared, rolled, bent or chipped, without in any way damaging them.

71.—Caulking.

Caulking is to be done by hand or pneumatic hammers, and round-nosed tools; caulking edges are to be carefully prepared, the edges being bevelled sufficiently to hold the caulking. The fit of the joint must be made in the laying of the plates, and excessive caulking avoided, and the lower plate not nicked or damaged by caulking tools.

72.—Holes in Sheets.

The drilling of rivet holes and stay bolt holes from solid after plates are fitted is preferred, but they may, if not less in diameter than the thickness of the plate, be punched small before rolling, after the edges of plates are bent, and drilled in line after assembling. If holes are punched, they must, up to thirteen-sixteenths ($13/16$) of an inch in diameter, be punched one-eighth ($1/8$) of an inch less, and for rivet holes over thirteen-sixteenths ($13/16$) of an inch in diameter, be punched three-sixteenths ($3/16$) of an inch less, and reamed after assembling to insure exact size and good fair holes (all material damaged by punching being entirely removed), and all burrs must be removed, the plates being separated for this purpose.

73.—Holes to be Fair.

After reaming, all holes for rivet seams must be fair, punch marks obliterated by it, and so formed that rivet heads will lie fairly to the sheet and be concentric with the rivets.

Holes for stays and stay bolts must be left small for reaming to insure the threads in both sheets being full and in straight line.

74.—Butt Straps, Scarfing, Etc.

All plates requiring scarfing must be properly prepared, in order to allow the joint to be well fitted and set up.

Butt straps must be pressed to correct shape and edges of sheets forming joints bent after marking (but before holes are made), to ensure good fitting when assembled and correctness of form. The edges of butt straps must be planed, and the joint at connection be protected. The scarfing of butt straps must take in the circumferential rivets.

The lap over rivets on edge of scarfed portion must be at least equal to the diameter of the rivet.

Joints must be examined while assembling and before any riveting is done. When assembled, the joints must be close and well fitting, being brought together by fitting up bolts in holes specially prepared. The bringing of plates together by rivets is forbidden. Holes in flanged plates must not be punched or drilled on inner plates until plates are assembled, when holes may be marked off from outer plates, the holes then made and reamed after again assembling.

75.—Drift Pins.

Drift pins may be used with light hammers to pull the plates into position, but they must not be driven with such force as to disturb the metal about the hole.

76.—Templets.

The use of permanent steel templets for standard work is recommended. For other work it is considered good practice to prepare one set of plates from which while flat a second set is marked off and assembled, the first set, if correct, being used as templets for the rest.

77.—Rivets.

Rivets should be driven wherever possible by power riveters. Air hammers may be used where practicable. Rivets must be heated their whole length, and be of such length as to fill the hole by upsetting and form full heads, being left to cool under pressure of riveter until black.

78.—Flanging Sheets.

Flanging or forming should be done at one heat. Where two or more heats occur the whole plate should be heated at the conclusion of the flanging, and left to cool slowly and equally, being covered and unexposed to draughts of cold air, the same treatment being given plates flanged in one heat, in which case reheating is not necessary. Sharp corners in flanges must not occur. THE MINIMUM INSIDE RADIUS ALLOWED IN FLANGES IS ONE INCH.

79.—Tubes—Fitting and Expanding.

Tubes must fit the holes in tube sheets as nearly as possible before expanding, the end nearest fire being a driving fit when applied. The ends must be prepared for this, and the holes in sheets be truly round, with edges slightly rounded and true to size.

The hole in sheet where tube is entered is to be only large enough to allow free entry of tube.

Tubes must be expanded by roller expanders.

The ends of tubes must not extend more than three-sixteenths to one-quarter inch beyond sheet, according to thickness of tube, and then be beaded against tube sheet without cracking, to insure which the ends of tubes must be annealed. The hand welding of tubes is prohibited.

80.—Tube Sheets.

All tube holes must be truly round. The holes may be punched three-sixteenths of their diameter small, and bored to size. The edges of holes are to be slightly rounded to prevent damage to tubes.

VI.—FITTINGS.

The following regulations (Sections 82-94 inclusive) governing Boiler Fittings and Accessories shall apply to all boilers, including boilers used exclusively for heating purposes, unless otherwise exempted therein, but the application thereof will not be made retroactive with respect to any steam plant installed within the province prior to Sept. 1st, 1914, with the exception of that portion of Section 85 relating to the guarding of water gauge glasses.

In the event, however, of alteration to, or further installation of any such pre-existing plant, the observance of the regulations in question will be required.

81.—Quality and Strength.

The material of all mountings and fittings must be of good quality, and sufficient strength to withstand strains from internal pressure and work for their respective uses. Those attached to boilers carrying over one hundred and twenty-five pounds of steam shall be of the class known as extra heavy.

The nipples attaching same, when over one inch in nominal diameter and screwed connections are permitted, must be made at least fifty per cent. (50%) thicker than ordinary standard steam pipe.

In applying fittings or their bases, when riveted to boiler they must be carefully fitted to boiler before riveting, and in case of castings, a caulking strip of soft steel or iron should be inserted between the boiler plate and casting.

They must be provided for every boiler as follows:

82.—Safety Valves.

Every boiler shall be provided with a lock pop side discharge safety valve of approved design under the following conditions:

Cast iron seats and discs are not allowed.

The springs and valves are to be cased in, so that they cannot be easily tampered with.

Provision is to be made to prevent the valves flying off in case of springs breaking.

Lifting gear is to be provided to ease all valves.

The springs must have a sufficient number of coils to allow a compression under the working load of one-eighth the diameter of the valve.

The valves are to be provided with a cap for safely protecting its adjustable parts, and fitted in such a manner that it can be efficiently sealed by the inspector.

Safety valves over two inches in diameter must be equipped with flanged bases.

For low pressure heating boilers these may be either flanged or screwed. When a superheater can be shut off from the boiler, whether attached or separately fixed, it shall have a safety valve of ample area at or near the steam inlet.

Heating boilers having a grate area exceeding sixteen (16) square feet shall be equipped with at least two safety valves.

In every case where a low pressure service connection is taken from a boiler or steam pipe carrying a higher pressure, a safety valve of ample size shall be placed on the low pressure pipe line outside of reducing valve. Such safety valve shall be set at a pressure not exceeding five (5) pounds above the maximum pressure required on the low pressure system.

82a.—Area of Valve.

The area of such safety valve measured at the inside point of contact between the valve and the seat shall be proportioned to the size of the fire grate according to the following formula when the working pressure exceeds fifty (50) pounds.

$$A = \frac{C \times G}{B + 15}$$

For working pressure not exceeding fifty (50) pounds, $A = G \times 0.6$.

Where A = area of valve in square inches at point of contact between valve and seat, G = area of fire grate in square feet, B = working pressure in pounds per square inch.

82b.—Testing Safety Valves.

When considered necessary, the safety valves shall be tested under full steam, and full fires for at least fifteen minutes, with feed water shut off and stop valve closed; if the accumulation of pressure exceeds ten per cent. of the working pressure of the boiler, a larger safety valve must be substituted.

82c.—Twin Valves.

The diameter of a safety valve used on a boiler shall not be less than one (1) inch, or more than three (3) inches, excepting for heating boilers carrying pressures not exceeding 20 pounds, when the maximum diameter of valve shall be five (5) inches.

When more than one valve is required, each valve shall be equal in diameter and aggregate a combined cross sectional area not less than the area found by formula, Section 82a.

82d.—Location of Valve, Escape Pipe, Etc.

All safety valves are to be fitted independently of any other connection to the boiler, and must be placed immediately at the boiler (special consideration will be given for heating boilers), and no valve of any description shall be placed between the safety valve and the boiler, nor on the escape pipe between the safety valve and the atmosphere. The escape pipe shall have an open-ended drain at its lowest point. The safety valve shall be located so as to be readily accessible, and must not be connected to an internal pipe in the boiler.

83.—Fusible Plug.

Every boiler shall be equipped with at least one (1) fusible plug. The body of the plug shall be composed of brass, with a taper hole through its centre, the smallest diameter of this hole to be at least three-eighths ($\frac{3}{8}$) of an inch, and filled with good Banca tin, to efficiently protect the fire line, when the water falls below the minimum level prescribed by these regulations. This plug shall project through the sheet not less than three-quarters

($\frac{3}{4}$) of an inch, and be located as shown and approved in design. All fusible plugs must be kept in an efficient condition, the fusible portion being renewed at least once each year and examined at each washout.

84.—*Steam Gauge.*

Every boiler shall be provided with a correct pressure gauge which shall be tested by the inspector at the time of inspection, and must be set to correspond with a standard test gauge, and placed so as to be plainly visible to the operator. Traction and portable boilers shall be provided with steam gauge of the double tube type.

84a.—*Steam Gauge Dial.*

The dial of the steam gauge shall be graduated to not less than one and one-half times the maximum pressure carried on the boiler, and for dark hours shall be well lighted.

84b.—*Syphon and Cut-out Cock.*

All steam gauges shall be connected directly to the boiler, and shall be fitted with a syphon or equivalent device sufficiently large, to fill the gauge tube with water, a cut-out cock with lever handle, to be placed between the syphon and the boiler; to which it is to be directly coupled and not connected with any other fitting.

84c.—*Inspector's Test Gauge Connection.*

A one-quarter ($\frac{1}{4}$) inch size pipe connection must be provided on every boiler to permit inspector's gauge to be connected above the cock or syphon pipe for the purpose of testing in service the working steam gauge on boiler.

85.—*Gauge Glass.*

Every boiler shall have at least one water glass not less than six (6) inches in length (as measured between the gland nuts), the visible bottom end of which shall be at least two (2) inches above the fireline, which for horizontal, locomotive type and upright tubular boilers of submerged tube type shall be the highest point of crown sheet or firetube. In dry top upright tubular boilers, the visible bottom end of water glass shall be not less than two-thirds ($\frac{2}{3}$) the distance between the tube sheets measured from the lower tube sheet.

All water gauges must be capable of being operated from floor of boiler room or from the deck of a traction engine or portable boiler as the case may be. Proper and efficient means must be provided to permit the water level in boiler to be distinctly seen at all times.

Prismatic water gauges are recommended as a protection against accidents caused by bursting of gauge glasses. Otherwise, every water gauge glass must be encased within a suitable guard in such a manner as to render accidents impossible.

86.—*Gauge Cocks.*

Every boiler shall have two (2) (and in boilers exceeding thirty inches in diameter three (3)) gauge cocks with three-quarter ($\frac{3}{4}$) inch pipe thread connections to boiler having a minimum bore of three-eighths ($\frac{3}{8}$) of an inch, the lower cock being placed in the same plane as the bottom of the glass, and the others at least two (2) inches apart, measured vertically. In traction or portable boilers the gauge cocks must be inserted within reach of operator in the face plate or in a water column attached to the same. In stationary boilers where gauge cocks cannot be conveniently operated, a second gauge glass may be used instead of gauge cocks, provided the second gauge glass is separately connected to the boiler.

87.—*Water Column and Connections.*

The internal diameter of any water column and pipes attaching the same to the boiler shall be as follows:

Diameter of Boiler	Least internal Diameter of Pipe	Least internal Diameter of Column
Up to and including 36 inches.....	1 inch	2 inches
Above 36 inches, to 54 inches.....	1½ inches	3 inches
Above 54 inches.....	1½ inches	3 inches

Straightway stop valves are to be fitted top and bottom of the column. The fittings at the connections to boiler shall be as short as possible, and conveniently arranged with tees or crosses having brass plugs for cleaning out. The waste pipe and valve at the bottom of the column shall be at least one-half the diameter of connecting pipe from boiler to column, and the end of the waste pipe plainly visible so that the discharge may be noted.

88.—Feed Water Supply.

Each boiler of fifteen (15) horse power in capacity or over shall be equipped with two (2) separate means capable of supplying feed water, while the maximum steam pressure is carried on the boiler. Direct pressure to the boiler from a waterworks shall not be considered as one of the two means. A sufficient reserve supply of water for feeding boiler must in all cases be provided for use with injectors or pumps.

88a.—Feed Arrangements.

Each boiler shall have a feed pipe fitted with a check valve and also a stop valve between the check valve and the boiler. A boiler having a capacity of fifteen (15) horse power or over (low pressure heating boilers excepted), shall have two feed pipes of equal diameter connected therewith by separate and distinct connections. Each feed pipe shall contain a check valve, and also a stop valve between the check valve and the boiler. The feed water should be fed at the coolest part through an internal pipe where possible, but never near the parts of the boilers that are exposed to the direct heat of the fire, or through the blow-off connection. Mud pans at water level at end of internal feed pipe are recommended, but they must not rest on the tubes.

89.—Stop Valves on Steam Mains.

Each steam outlet from a boiler (excepting at safety valve connections) shall be fitted with a stop valve immediately at the boiler, in addition to the stop valve at the engine. When the working pressure carried exceeds one hundred (100) pounds, and the steam pipe exceeds two and one-half (2½) inches in diameter, such stop valve shall be of the outside screw and yoke gate type, and, in addition to the boiler stop valve, in cases where two or more boilers are connected to a common main, each steam pipe shall be equipped with an automatic non-return valve of approved design.

89a.—Equipment for Connections to Heating Boilers.

The main return pipe to a heating boiler (Gravity Return System) shall contain a check valve, also a stop valve (in addition to a blow-off valve) between the check valve and boiler.

These valves shall be located as close to boiler as possible, the blow-down valve being inserted in a cross connection between stop valve and boiler.

When there are two or more boilers, each boiler shall be equipped as above.

The opening in shell plate for return pipe shall be reinforced as for a blow-off pipe (see Section 92) or fitted with a pressed steel flange, the pipe being screwed in full depth, and adequately protected from the products of combustion.

89b.—Equalizing Pipes.

When two or more boilers are connected to a common heating main, the riser and return pipes of each boiler shall be connected with an equalizing pipe to the riser and return pipes of adjoining boilers, in order to maintain a uniform water level in each boiler. A stop valve must be placed on every equalizing pipe.

90.—*Steam Mains.*

Provision shall be made for the expansion and contraction of steam mains connected to all boilers, with substantial anchorage at suitable points, to prevent perceptible vibration on the boiler shell plates. Cast iron fittings will not be permitted for superheated steam service.

91.—*Drains.*

All steam mains shall be efficiently drained. Where traps are connected to high pressure drains, the discharge end of trap shall be open for observation at all times. All drain cocks and valves must be accessible, and so placed as to permit of readily draining any portion of the steam pipe or chests in connection therewith.

92.—*Blow-off Pipes and Valves.*

Each boiler must be provided with an extra heavy blow-off pipe and straightway valve (not of the globe or angle type) connected directly to the lowest point of shell or drum. The pipe must contain sweep bends not less than four (4) times the diameter of the pipe, and arranged so the discharge cannot, under any circumstances enter an adjoining boiler when connected together.

The opening in shell or drum plate shall be reinforced by a plate at least equal in thickness, the two plates being drilled to size and tapped continuously, the pipe being screwed through both flush with the inside of shell plate.

The pipe must be adequately protected from the products of combustion and fitted with a cast iron sleeve where it passes through the walls of setting, thus providing for free expansion.

In all cases the valve must be located as close to the boiler as circumstances will permit, and be readily accessible.

92a.—*Blow-off Tanks.*

Blow-off tanks shall be so constructed of steel plate as to be equal in strength to the boiler or boilers connected therewith, according to these regulations. Such tanks shall contain inlet and outlet connections close to upper head, the latter being at least twice the diameter of the former, and made to extend internally to within six (6) inches from the bottom of the tank. A vent pipe of equal diameter to outlet connection shall lead to atmosphere from top of tank, and for convenience in cleaning same a manhole should be provided in the upper head. All pipe connections between boiler and tank shall be made as direct as possible, and equipped with sweep bends at least four times the diameter of the pipe.

93.—*Side Lugs and Settings for H.C. Boilers.*

The following rules shall be observed in the setting of cylindrical externally fired boilers:

(a) No boiler shall be suspended from the crown or allowed to stand on a pedestal at the back end.

(b) All externally fired boilers up to and including twelve (12) feet in length may be supported upon four (4) cast iron brackets, resting upon substantial plates set in the brickwork, and the back lugs resting upon rollers between the lugs and plate to provide for expansion of boiler.

(c) Boilers over twelve (12) feet and under sixteen (16) feet long shall be suspended at the back end from single side lugs placed on each side. The front end may be supported by steel brackets resting upon a substantial plate let into the brickwork. All such plates must be carefully levelled to fit the brackets.

(d) Boilers sixteen (16) feet long and over shall be suspended front and back by side lugs set in pairs. All lugs and brackets shall be located at each side above the fire-line, and properly fitted to the curvature of the shell. The shearing stress on rivets attaching same must not exceed eight per cent. (8%) of the shearing strength.

(e) All lugs must be of steel plate, and when set in pairs so designed and located as to allow an equal stress upon each lug.

(f) Suspension, where required by the preceding clauses, shall be from wrought iron or steel beams, which shall be carried by and secured to iron or steel columns (preferably cast iron), having bases bolted to substantial

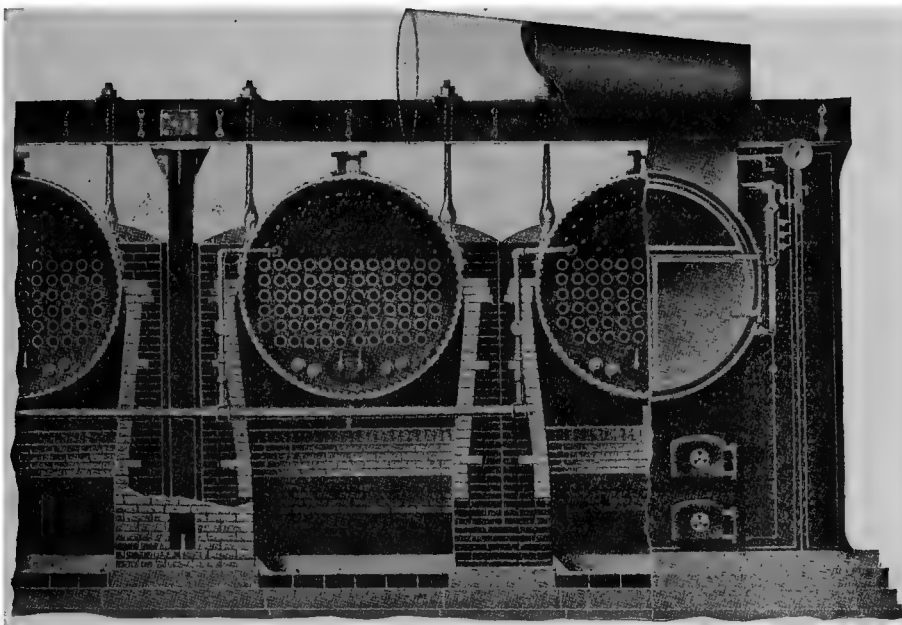


Fig. 1.—Front Elevation and Partial Section of Suspended Boilers.

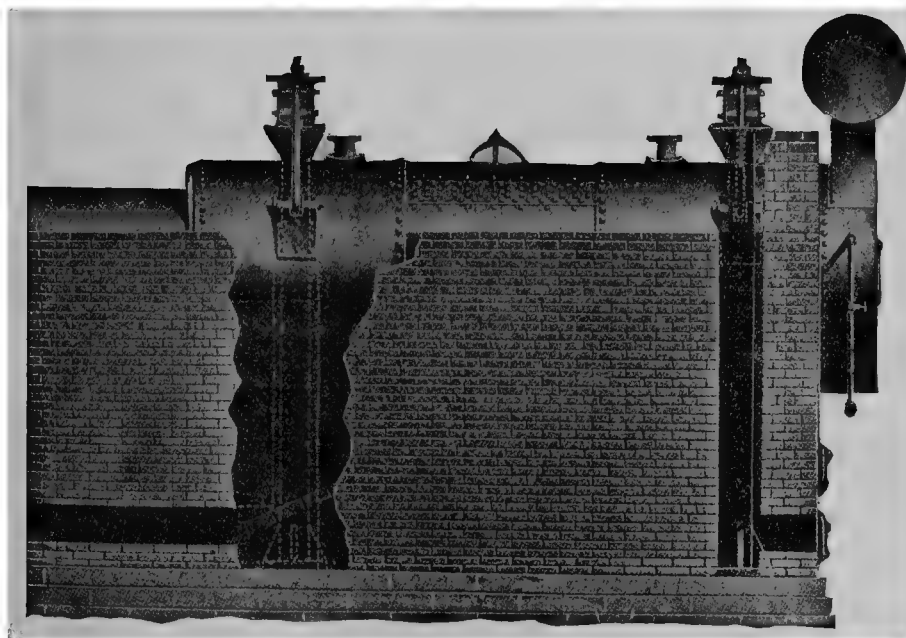


Fig. 2.—Side View of Suspended Boiler.

foundations. (See Figs. 1 and 2.) Suspension beams or supporting columns shall not rest on the side walls of the brickwork setting.

The maximum fibre stress for suspension beams and columns must in no case exceed 12,500 pounds per square inch.

94.—*Back Arch.*

Back arches shall be set in such a manner as to allow for the free expansion of the boiler, and placed clear of the fusible plug.

All flues and back settings shall be constructed with doors in lower part of setting, not less than sixteen (16) inches by sixteen (16) inches so arranged as to be easily accessible at all times.

Distances from back head of return tubular boilers to the back wall should not be less than the following:

20 inches for boilers 30 inches to 42 inches in diameter.

24 inches for boilers 44 inches to 60 inches in diameter.

28 inches for boilers 60 inches to 72 inches in diameter.

95.—*Boiler Room Doors.*

It is recommended that all exits from boiler rooms should open outwards.

VII.—INSPECTION.

96.—*Precaution to be Taken when Entering Boiler.*

When any person enters a steam boiler which it is possible to connect with another boiler containing steam, a man must be placed at his disposal to prevent the danger of steam being turned into the boiler which he enters during the time he is inside it. (See Section 27 of *The Boilers Act.*)

97.—*Lowest Rating of One Boiler in a Battery to be Taken.*

When more than one boiler is connected to a main steam pipe, and for any reason the working pressure of one of them is reduced, the safety valves on the other boilers so connected shall be set to correspond with the safety valve on the boiler carrying the lowest working pressure.

98.—*Inspectors May Drill Holes Where Necessary.*

When the inspector has doubts of a boiler being defective he may drill or cause to be drilled the part he has doubt of to ascertain the thickness and condition of same. (See Section 20 of *The Boilers Act.*)

99.—*Boiler to be Prepared for Inspection and Tests.*

Before a stationary boiler is subjected to a hydrostatic test, the owner or operator shall see that it is opened for inspection, the manhole and hand-hole plates removed, the flues cleaned, and all soot and ashes removed from inside and outside of setting, and in case of a portable boiler the owner or operator shall see that the furnace grates and straw burners are taken out and the firebox and smokebox thoroughly cleaned. (See Section 19 of *The Boilers Act.*)

100.—*Handrail to Flywheel, Etc.*

Inspectors shall also see that all flywheels, pulleys, and belting in the engine and boiler room are properly protected, and that the keys in pulleys do not project beyond the end of shafting and see that set screws on collars are countersunk when considered necessary.

101.—*Flywheel Velocity.*

The maximum velocity that will be allowed on the periphery of any cast iron flywheel shall not exceed 6,000 feet per minute. Automatic stops shall be provided to each engine having a flywheel 8 feet in diameter and over. In determining the maximum velocity of flywheel rims which are made in segments, due account shall be taken of the joints between segments, and the attachment of the flywheel arms to the rims.

102.—Nominal Horse Power.

The nominal horse power of boilers, or of steam plants, for the rating of fees and engineers' certificates, is to be calculated as follows:

For all stationary boilers excepting loco firebox—

$$\frac{HS}{12} = \text{Nominal horse power.}$$

For locomotive firebox, traction and portable—

$$\frac{HS}{9} = \text{Nominal horse power.}$$

HS = Heating surface.

103.—Inspection of Steam Mains.

All steam pipes and connections are to be carefully examined by the inspectors at each inspection. Inspectors may subject all main steam pipes to a hydrostatic test of twice the working pressure of the boilers to which they are connected, as often as in their judgment they may deem it necessary; provided, however, that the hydrostatic test to be applied to copper pipes shall not exceed one and one-half times the working pressure of the boilers to which they are connected.

1911-12

CHAPTER 10.

An Act respecting the Department of Railways and Telephones.

(Assented to December 20, 1911.)

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Alberta, enacts
as follows:

SHORT TITLE.

Citation

1. This Act may be cited as "*The Railways and Telephones
Department Act.*"

POWERS AND DUTIES OF DEPARTMENT.

Department
of Railways
and Telephones
created

2. There shall be a department of the public service of the
province to be called "The Department of Railways and
Telephones," over which the Member of the Executive Council
of Alberta appointed by the Lieutenant Governor under the
seal of the province to discharge the functions of the Minister
of Railways and Telephones for the time being shall preside.

Jurisdiction
over railways

3. The Minister of Railways and Telephones shall be
entrusted with all the powers and charged with all the duties
conferred or imposed upon the Chairman of the Executive
Council of Alberta under the provisions of *The Railway Act*,
being chapter 8 of the Statutes of Alberta, 1907, and amend-
ments thereto, and from and after the passing of this Act the
Chairman of the Executive Council of Alberta shall cease to
exercise any of the powers or perform any of the duties con-
ferred or imposed on him under the provisions of said Act.

Jurisdiction
over telephones
and telegraphs

4. The Minister of Railways and Telephones shall further
be entrusted with all the powers and charged with all the duties
conferred or imposed upon the Minister of Public Works under
the provisions of chapter 14 of the Statutes of Alberta, 1908,
and amendments thereto, being *An Act respecting Government
Telephone and Telegraph Systems*, and from and after the passing
of this Act the Minister of Public Works shall cease to exercise
any of the powers or perform any of the duties conferred or
imposed on him under the provisions of said Act.

ORGANIZATION.

Organization

5. The Lieutenant Governor in Council may appoint a Deputy
Minister of Railways and Telephones and such inspectors,
clerks, assistants and other officers as may from time to time
be required, and provide for the remuneration of the same;
and such Deputy Minister, inspectors, clerks, assistants and
other officers shall do and perform all such acts and things
relating to the business of the department as they may be from
time to time directed to do and perform by the Minister.

6. (Amendments to *The Railway Act*, consolidated.)

1911-12

CHAPTER 11.

An Act respecting the Department of Municipal Affairs.

(Assented to December 20, 1911.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Department of Municipal Affairs Act.*" Short title
2. In this Act, unless the context otherwise requires, the expression "municipality" includes cities, towns, villages, rural municipalities, and also local improvement districts. Municipality
3. There shall be a department of the public service of the province to be called "The Department of Municipal Affairs," over which the Member of the Executive Council appointed by the Lieutenant Governor under the seal of the province to discharge the functions of the Minister of Municipal Affairs for the time being shall preside. Organization
4. The Minister of Municipal Affairs shall be entrusted with the powers and charged with the duties which by any law in force in the province belong to the office of the Minister of Municipal Affairs. Powers and duties of the Minister
5. The Lieutenant Governor in Council may appoint a Deputy Minister and such inspectors, clerks, assistants and other officers as may from time to time be required and provide for the remuneration of the same, and such deputy, inspectors, clerks, assistants and other officers shall do and perform all such acts and things relating to the business of the department as they may from time to time be directed to do and perform by the Minister. Officers and clerks
6. Subject to the provisions of the various Acts from time to time in force in Alberta respecting municipalities the Minister of Municipal Affairs shall have power to make and enforce regulations governing the methods of bookkeeping, accounting, recording and auditing to be used in the municipalities of the province; and to procure and issue to the said municipalities sample sets of books and forms which he may deem necessary for the proper carrying out of the said regulations; and to make and enforce regulations respecting such other matters and things as shall in his opinion be conducive to a thorough and systematic conduct of the affairs of the municipalities by the treasurers and other officers thereof. Regulations and supplies

Minister may settle and adjust question

7. The Minister of Municipal Affairs shall have power to settle, adjust and decide any question arising between the councils of different municipalities respecting any rights, powers or duties conferred upon them by any Act in force in the province.

INSPECTION OF MUNICIPAL BOOKS, RECORDS AND ACCOUNTS.

Inspection of municipal books, records and accounts

8. There shall be attached to the Department of Municipal Affairs one or more inspectors whose duty it shall be from time to time as required by the Minister to examine and inspect all books of record and account, all bank books, assessment and collection rolls and all other papers and matters whatsoever belonging to any municipality.

Inspection to be annual and when advisable on petition

9. The books and records of every municipality shall be so inspected at least once in every year and a special inspection in the case of any municipality may be ordered by the Minister whenever he may deem it advisable or upon petition of the council of the municipality setting forth clearly the reason why in the opinion of the council such special inspection is deemed necessary.

Power of inspector to require attendance of officers and others at the inspection.

10. Every inspector shall have power to require the attendance of any officer of the municipality or of any other person whose presence he may deem necessary during the course of his inspection and he shall have the same power as is exercisable by any judge or court in civil cases to compel the attendance of such officer or other person before him, to compel the production of documents and to take evidence under oath.

Production of documents

11. When required so to do by an inspector every officer of the municipality shall produce for examination and inspection all books, records, papers, documents and other property of the municipality in his possession.

Banks to furnish statement of municipal accounts

12. Any bank or agency of any bank carrying on business in Alberta shall upon request of the Minister acting under the provisions of this Act furnish him with a statement showing the balance or condition of the accounts of any municipality having an account with such bank or agency together with any particulars of same that may be required.

Inspector to report to Minister, etc.

13. After the completion of his inspection of the books and records of any municipality it shall be the duty of the inspector to make a report thereon to the Minister and to the mayor, overseer or reeve of the municipality in the form prescribed by the Minister.

Power of Minister to take summary action

14. In the event of any inspector reporting such a condition of affairs in any municipality as in the opinion of the Minister warrants summary action by the municipal council with respect to the matters referred to in such report and sixty days elapsing without any satisfactory action being taken thereupon by the municipal council the Minister of Municipal Affairs shall deal with any and all such matters in a manner best calculated to protect and further the interests of the municipality affected; and for such purpose may if thought desirable dismiss from

office the treasurer or other officer of a municipality; and in the event of any such dismissal the council shall forthwith appoint another person as treasurer or other officer in his or their place and stead.

15. The Minister of Municipal Affairs may upon the petition of the council or of one-third of the members of the council or in the case of a local improvement district, rural municipality or village of twenty-five freehold electors or in case of a town or city of one hundred freehold electors or burgesses depute one or more persons to audit the books and accounts of the treasurer of any municipality in Alberta for any particular period; and the cost of any such audit to be fixed by the Minister of Municipal Affairs shall be paid by the municipality.

Audit of books and accounts of secretary-treasurers of municipalities

16. It shall be the duty of every inspector to see that the regulations made by the Minister respecting the methods of bookkeeping, accounting, recording and auditing of municipal affairs are carried out by the officers of every municipality.

Duty of inspector to enforce regulations as to book-keeping, audit, etc.

17. The Minister of Municipal Affairs shall be entrusted with all the powers and charged with all the duties which under *The Local Improvement Act*, *The Village Act* and *The Educational Tax Act* belong to the office of the Minister of Public Works or the Tax Commissioner of the Department of Public Works.

Powers conferred upon Minister

18. The Minister of Municipal Affairs may deduct from all taxes collected by him such percentage thereof as he may estimate to be the cost of collecting such taxes and the amounts so deducted shall form part of the general revenue of the province.

Minister may charge for collection

1911-12

CHAPTER 12.

An Act to amend the Act respecting Public Printing.

(Consolidated in Chapter 9, 1906.)

1911-12

CHAPTER 13.

An Act respecting Surveys.

(See also Cap. 22, 1911-12.)

(Assented to February 16, 1912.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Short title

1. This Act may be cited as "*The Alberta Surveys Act.*"

INTERPRETATION.

Interpretation

2. In this Act, unless the context otherwise requires, the expression—

1. "Minister" means the Minister of Public Works for Alberta;

2. "Department" means the Department of Public Works for Alberta;

3. "Director of Surveys" means the Director of Surveys appointed under the provisions of *The Public Works Act*, being chapter 10 of the Statutes of Alberta, 1906, or any Act passed in amendment or substitution thereof;

4. "Surveyor" means a person qualified to practise as a surveyor according to the provisions of *The Alberta Land Surveyors Act*, being chapter 2 of the Statutes of Alberta, 1910 (1st Session), or any Act passed in amendment or substitution thereof;

5. "Iron post" means a pointed iron tube three feet long and three-quarters of an inch in diameter, weighing not less than two and one-half pounds and having the top end plugged and squared for a distance of four inches;

6. "Monument" means a post, stake, peg, mound, pit or trench, or anything else used to mark a boundary corner or line;

7. "Subdivision survey" means a survey of which it is intended to register the plan under section 124 of *The Land Titles Act*, or any Act passed in amendment or substitution thereof;

8. "Undisputed point" means a point of any original survey whose position is undisputed or can be satisfactorily established.

STANDARD OF MEASURE.

Standard of
measure

3. The measure of length used in surveys made under this Act shall be the Dominion measure of length defined by *The Weights and Measures Act*, and every Alberta land surveyor shall be in possession of a subsidiary standard thereof which he shall compare and verify on obtaining the same, and thereafter as occasion may require, with a tested subsidiary standard to be obtained and kept by the Director of Surveys, and every surveyor shall verify all tapes or chains used by him with the subsidiary standard in his possession.

RIGHT OF ENTRY UPON PRIVATE LANDS.

4. A surveyor, when engaged in the performance of his duties as such, may pass over, measure along and ascertain the bearings of any line or boundary whatsoever, and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person. Right of entry upon private lands

EVIDENCE.

5. Every surveyor, acting in that capacity, may examine witnesses on oath with respect to all matters relating to the survey of lands, and for better ascertaining the original corner or limits of any surveyed parcel or tract of land whatsoever, may administer such oath to every person whom he examines in relation to such matters. Surveyors may examine under oath

6. Whenever any surveyor is in doubt as to the true corner, boundary or limit of any parcel or tract of land whatsoever which he is employed to survey and has reason to believe that any person is possessed of any important information touching such corner, boundary or limit, or of any writing, plan or document tending to establish the true position of such corner, boundary or limit, and if such person does not willingly appear before and be examined by such surveyor, or does not willingly produce to him such writing, plan or document, such surveyor may apply to any justice of the peace for an ordinary subpoena *ad testificandum*, or a subpoena *duces tecum*, as the case requires, accompanying such application by an affidavit or solemn declaration as to the facts on which the application is founded; and such justice may issue a subpoena accordingly, commanding such person to appear before the surveyor at a time and place mentioned in the subpoena, and, if the case requires it, to bring with him any writing, plan or document mentioned or referred to therein. Surveyors may compel attendance of witnesses

7. A subpoena issued as in the next preceding section set forth shall be served on the person named therein by delivering a copy thereof to him and exhibiting to him the original; and if the person required in such subpoena to appear (his reasonable expenses having been paid or tendered to him) refuses or neglects to appear before the surveyor at the place and time appointed in the subpoena, or to produce the writing, plan or document, if any, therein mentioned or referred to, or to give such evidence and information as he possesses touching the corner, boundary or limit in question, a warrant by a justice of the peace for the arrest of such person may be issued, and he shall be liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding ninety days, or to both, in the discretion of such justice. Service of subpoena

8. All evidence taken by a surveyor, as aforesaid, shall be reduced to writing and shall be read over to the person giving the evidence, and shall be signed by such person, or if he cannot write, shall be acknowledged by him as correct before two witnesses, who shall sign it, as shall also the surveyor; and such evidence shall be filed and kept and any document or plan Evidence to be put in writing

prepared and sworn to as correct by any surveyor with reference to any survey by him performed may be filed and kept subject to be produced thereafter in evidence in court.

Field notes

9. Every surveyor shall keep exact and regular field notes of all surveys made by him; and such field notes shall show the date on which the survey was made, the astronomic bearing or angular measurement of each line with some other line of the survey, the lineal measurements taken on each line, the nature, markings and location of each post planted by him, and the nature of, and marking on, all original monuments found by him upon the ground, or, in default of such monuments being found, the information or evidence as to original boundaries taken as a basis for the survey, together with all important topographical features of the land surveyed; every surveyor shall furnish a copy of such field notes certified in form B in the schedule of this Act to the parties concerned or to the Director of Surveys when so required for which copies he may charge at the rate of \$2.00 for each hour required to make same; provided that such surveyor may charge the sum of \$2.00 for any such copy which may be made in less time than one hour.

SYSTEM OF SURVEY.

Surveys to
be astronomical

10. All surveys shall be referred to the local astronomical meridian and no person shall make use of the magnetic compass in making surveys.

Certain
surveys to
be made
under
*Dominion
Lands
Surveys Act*

11. Whenever a surveyor is employed to re-establish the position of any line surveyed under the provisions of *The Dominion Lands Surveys Act* or to survey dividing lines between any subdivisions, authorized by the said Act, smaller than those originally laid out, he shall proceed according to the provisions of the said Act, or any Act passed in amendment or substitution therefor in force at the time of such survey.

Surveys to
be marked
on the ground

12. All surveyors shall erect, except as hereinafter otherwise specially provided, at all corners or angles of any survey, iron posts as herein defined, or wooden posts squared so as to have a face of not less than three inches across and a top bevelled so as to turn the rain; such wooden posts shall be at least 15 inches above the surface of the ground and shall be driven not less than 15 inches into the ground.

SUBDIVISION SURVEYS.

Outlines
to be first
established

13. Whenever a surveyor is employed to make a subdivision survey he shall first re-establish and carefully survey such part of the original outlines of any section, quarter section, settlement lot or other surveyed parcel of land, necessary to properly establish the boundaries of the land to be subdivided, and shall then establish the block corners on the outlines of the land to be subdivided, or if it is intended that there be no block corners on the said outlines he shall establish those block corners adjacent thereto and shall subsequently determine the interior block corners of his survey in reference to the block corners so first established.

14. Every surveyor shall mark all corners and angles of blocks with iron posts having the number or letter designating the block marked thereon with a cold chisel; and straight lines connecting the said corners and angles in the manner shown on the plan shall constitute the boundaries of said blocks. How block corners to be marked

15. Every surveyor shall mark, in all blocks which have curvilinear boundaries, the points of beginning and end of each curve having a constant radius and shall mark all four corners of each lot on said curvilinear boundary with iron posts. How curvilinear lots to be marked

16. The iron posts planted in accordance with the two next preceding sections shall, upon the registration of the plan of survey, establish for all purposes whatsoever the true and unalterable boundaries of every lot or block shown on such plan, whether or not such iron posts upon admeasurement upon the ground are found to be in the relative position shown on such plan of survey. Iron posts to govern

17. Each and every lot on a rectilinear block boundary shall have a frontage measurement proportionate to the total distance between the corners of the block in the same ratio as the frontage measurement of each lot shown on the registered plan bears to the total distance between the corners of the block shown on said plan. Lots to have proportionate frontage

18. Every surveyor employed to survey a side or rear boundary of any lot or parcel of land as shown on a plan of subdivision survey registered after the passing of this Act, where the said line is not a block boundary, shall proceed in such a manner as to give to each and every lot and lane in the block which contains the said lot, dimensions proportionate to those shown on the said registered plan. How side and rear lines of lots to be surveyed

19. Notwithstanding anything in this Act contained, plans of surveys completed on the ground prior to the passing of this Act and not made in accordance therewith, may, if there is attached thereto a certificate that the survey was so completed on the ground, and if such plans are correct in other respects, be registered by the Registrars of Land Titles at any time within one year from the passing of this Act; provided further, however, that all such surveys shall, when the plans thereof have been registered, be considered for the purposes of this Act as if made thereunder. Registration of plans not made in accordance with this Act

RE-ESTABLISHMENT OF LOST CORNERS OF SUBDIVISION SURVEYS MADE UNDER THIS ACT.

20. When a surveyor is employed to make a survey in any subdivision of which a plan has been registered after the passing of this Act and is unable to find the original iron post planted at the corner of any block (or lot on a curvilinear block boundary) of which he is required to re-establish the boundaries, he shall obtain the best evidence possible of the original position of such post, and, if satisfied in regard to such evidence re-establish the said boundaries accordingly by planting a new iron post in lieu Re-establishment of lost corners

of the lost post; but if in his opinion such evidence is inconclusive or untrustworthy he shall proceed as follows:

Block
corners
marking
corners of
original
subdivision

(a) If such post is for a block corner at the intersection of two of the external boundaries of the original subdivision, or at the intersection of the inner limits of the streets adjoining such external boundaries, he shall join by a straight line the two nearest undisputed points which are block corners on each of said boundaries, or limits, and produce the two straight lines thus determined to an intersection and shall plant an iron post in re-establishment of the lost corner at said intersection;

Block corners
on external
boundaries

(b) If such post is for a block corner on one of the external boundaries of the subdivision, or for a block corner adjacent thereto in cases where no block corners were established on such external boundary, as the same is shown on the registered plan thereof, he shall connect by a straight line the nearest undisputed points which are block corners on, or adjacent to, such boundary which are on opposite sides of the lost corner, and shall plant an iron post in re-establishment of the lost corner on the said line in such manner as to make the distances between it and the two undisputed points proportionate to one another in the same ratio as those shown therefor on the registered plan;

Interior
block corners

(c) In all other cases of lost block corners, he shall join by straight lines the two nearest undisputed points which are block corners, which are on opposite sides of the lost corner on each of the street lines which intersect at said corner, and shall plant an iron post in re-establishment of the lost corner at the intersection of the two said straight lines;

Curvilinear
lot corners

(d) If such post is for a lot corner on a curvilinear block boundary, he shall re-establish said boundary as between the two nearest undisputed points thereon which are on opposite sides of the lost corner, and which are shown on the registered plan to be block corners, lot corners or points of curve, and shall re-establish the lost corner on the boundary so re-established in such a way as to make the distances between the said corner and the two undisputed points proportionate to one another in the same ratio as those shown therefor on the registered plan.

MONUMENTS TO GOVERN.

Monuments
of surveys
made prior
to this Act
to govern

21. In subdivision surveys of which plans have been registered prior to the passing of this Act any original monument or post marking a corner of a block, lot, street, lane, park or other point of the survey, the original position of which can be in any way satisfactorily established, shall determine the true and unalterable position of such corner, whether upon admeasurement on the ground it is shown to agree with the measurements marked on the plan or not.

RE-ESTABLISHMENT OF LOST CORNERS OF SUBDIVISION SURVEYS
MADE PRIOR TO THIS ACT.

22. When a surveyor is employed to make a survey in a subdivision of which a plan has been registered prior to the passing of this Act, and is unable to find the original post planted at the corner of any block or lot of which he is required to re-establish the boundaries, or if its original position cannot be satisfactorily established he shall proceed as follows:

- (a) If such post is for a block corner he shall proceed in the manner prescribed in section 20 hereof; Block corners
- (b) If such post is for a lot corner he shall join by a straight line the two nearest undisputed points, if any, on the block boundary on which such corner occurs on opposite sides of the lost corner, and shall subdivide the distance found by admeasurement on the ground between said points, in such a way as to give each lot or lane a frontage measurement proportionate to said distance in the same ratio as the frontage measurement shown on the registered plan of such lot or lane bears to the said distance as shown on the plan; if there is no undisputed point on the block boundary on either or both sides of the lost corner, the surveyor shall first re-establish the block corner or corners and then proceed in the manner above set forth. Lot corners

23. Notwithstanding anything in this Act contained, in all cases where the provisions in regard to re-establishing lost corners are clearly inapplicable every surveyor shall proceed in such manner as to carry out the evident intention of the original survey as shown on the registered plan of the same. Procedure in special cases

(2) A surveyor may remove a monument shown in a registered plan of subdivision survey when it is intended to excavate or build to the boundary line of the lot of which the post is a corner having first planted suitable permanent reference marks to establish the position of the original monument; and shall file evidence in regard to such removal in the Land Titles Office where said plan is of record showing clearly the position of such reference marks and the location of the original monument in regard thereto.

RAILWAY SURVEYS.

24. When a surveyor is employed to make a survey of the lands required by any railroad company for right-of-way, station grounds or other railroad purposes he shall proceed as follows:

- (a) He shall make all measurements, both angular and linear on the centre line of the railway, and shall make all measurements to reference posts or to connect the right-of-way to the corners of sections, quarter sections, settlement lots or other surveyed parcels of land in reference thereto; Measurements to be referred to centre line
- (b) He shall plant an iron post on the southerly or westerly limit of the right-of-way or station grounds at the beginning and end of every curve having a constant Survey to be marked with iron posts

radius and at the intersection of said limit with the southerly or westerly boundary of each road allowance, or, where there is no road allowance, of each section, settlement lot or other surveyed parcel of land; and each such iron post shall have the initial letters of the words composing the name under which such railway company is incorporated permanently marked thereon to distinguish it from iron posts used for other land surveys;

Intersections
with land
boundaries

(c) Wherever such centre line intersects the southerly or westerly boundary of a road allowance, or where there is no road allowance, of a section, settlement lot or other surveyed parcel of land, such surveyor shall first re-establish the true position of the two nearest monuments on said boundary, being on opposite sides of the said centre line, and shall connect the same by a straight line, and the intersection of the straight line so established and the said centre line shall be the point of intersection shown in his field notes and plan of the survey;

Either limit
may be posted

(d) Whenever for any reason it is not possible to post the southerly or westerly limit of a right-of-way, such surveyor shall post the northerly or easterly limit thereof;

How posted
in subdivisions

(e) When the lands required by the railway company as aforesaid are parts of a block or blocks as shown on a registered plan of subdivision an iron post shall be planted at each intersection of the limits of the right-of-way or station grounds with the boundaries of the said block or blocks and the position of such posts shall be connected by admeasurement with the survey of the centre line of the right-of-way and with the nearest corner of the block in which they occur;

Posted limit
to govern

(f) The unposted limit of any right-of-way or station grounds shall in all cases be determined on the ground by reference to the posted limit and in accordance with the measurements shown on the registered plan of such right-of-way;

Posts to
mark true
boundaries

(g) The limit of the right-of-way defined by iron posts as prescribed in this section shall, when a plan of the survey has been accepted and registered in the proper land titles office, be the true and unalterable limit of said right-of-way, whether or not upon admeasurement on the ground the said iron posts are found to be in the same relative position to one another or to the boundaries of the section, quarter section, settlement lot or other surveyed parcel of land as the same are shown on the plan.

RE-ESTABLISHMENT OF LOST POSTS.

Lost posts

25. Whenever a surveyor is employed to re-establish the limit of a right-of-way and one of the iron posts marking the limit of said right-of-way is lost and its original position cannot be satisfactorily established, he shall proceed as follows:

- (a) If such post originally marked the intersection of a limit of the said right-of-way with the boundary of a road allowance, section, quarter section, settlement lot or other surveyed parcel of land he shall re-establish the said limit between the two nearest undisputed points on the said limit, which are on opposite sides of the lost post, in accordance with the measurements shown in the registered plan of said right-of-way, and shall plant an iron post in re-establishment of the lost post at the intersection of the said limit so re-established and the said boundary;
- (b) In all other cases such surveyor shall re-establish the In other cases limit of the said right-of-way between the two nearest undisputed points on the same, on opposite sides of the lost post, in accordance with the measurements shown on the registered plan of said right-of-way, and shall plant an iron post in re-establishment of such lost iron post on said limit so re-established in such manner that it is in the same relative position in regard to the two undisputed points, as it is shown to have occupied, on the said plan.

SURVEYS OF IRRIGATION WORKS.

26. When a surveyor is employed to make a survey of lands Surveys of irrigation works required for right-of-way for irrigation ditches or works he shall make and post such surveys along the southerly or westerly limits thereof to which he shall refer all measurements of the survey and in every other respect he shall, except as herein-after provided, proceed in accordance with the provisions of this Act, in regard to surveys of lands required by railroad companies for right-of-way, station grounds or other railroad purposes:

Provided, however, that he shall be required to plant iron posts at the intersection of the posted limit of the said right-of-way with the southerly or westerly boundary of each road allowance, or where there is no road allowance of each section, settlement lot or other surveyed parcel of land only, and that the posts required at intermediate points may be made of wood not less than one and one-half inches square and at least eighteen inches in length and where such posts are used they are to be driven into the ground to a depth of not less than one foot. 1913 (1st Session), c. 9, s. 34.

SURVEYS OF ROADS.

27. When a surveyor is employed to make a survey of lands for right-of-way for any roads required by a municipality, he shall mark the same on the ground by planting iron posts on one limit of the proposed road at its intersection with the southerly or westerly limit of each road allowance, or where there is no road allowance, of each section, settlement lot or other surveyed parcel of land, and at each change of direction of the said proposed road, and all measurements shall be made in reference to the posted limit of such proposed road.

(2) The posts planted in accordance with the provisions of this section shall be numbered consecutively from the point

of beginning to the end of the survey and each post shall have its number together with the letter "R" permanently marked thereon.

(3) Each point marked by an iron post as provided in this section shall be further marked by digging four pits, each three feet square and eighteen inches deep and so placed that two straight lines drawn through the iron post at right angles to one another shall each pass through the centre of two of the pits and the inside edges of pits shall lie on the sides of a square whose sides are six feet long and whose centre is the iron post.

INSPECTION OF SURVEYS.

28. The director of surveys may on application of a registrar of titles or the council of the Alberta Land Surveyors Association or for any other reason he may deem sufficient make an inspection of any survey required to be made in accordance with this Act, or order such inspection to be made by such surveyor as he may appoint.

(2) The director of surveys or any surveyor so appointed by him shall have all the rights and powers conferred upon a surveyor under the provisions of this Act, and any person interfering or obstructing the said director of surveys, or other surveyor making an inspection under the provisions of this section shall be deemed guilty of an offence against section 37 of this Act.

(3) The costs of said inspection shall be borne by the department.

How inspection
to be made

29. The director of surveys or surveyor appointed by him under the provisions of the next preceding section shall inspect the survey concerning which complaint has been made and shall consider any evidence that may have been presented to the surveyor who made such survey; any surveyor employed by the director of surveys shall make a report to him in regard to such inspection and such returns of the same as said director of surveys may require; the said director of surveys may take such steps as he may consider advisable under the circumstances and shall make a report on his findings, or the findings of the surveyor employed by him to the registrar of titles applying for such inspection or council of the Alberta land surveyors, as the case may be.

RE-SURVEYS.

Municipal
council may
apply for

30. The council of any city, town, village or rural municipality may on application of one-half of the persons registered or assessed as owners of the lands to be affected thereby, or of its own motion pass a resolution that it is desirable to re-survey and place durable monuments at the corners of any blocks, lots or other surveyed parcels of land within the limits of such city, town, village or rural municipality; upon receipt of such resolution the Lieutenant Governor in Council may direct a re-survey to be made of such blocks, lots or other surveyed parcel of land and durable monuments to be placed to mark the corners thereof, and appoint a surveyor to have charge of such re-survey under the control and direction of the Minister.

(2) Before commencing any such re-survey public notice thereof shall be given in two consecutive issues of *The Alberta Gazette* and once in each week for two consecutive weeks in some newspaper published in the vicinity of the lands to be affected thereby.

(3) Any person who claims to know the position of one or more of the monuments of the original survey, or to be in possession of information whereby the position of such monument or monuments can be established, may give notice thereof by registered letter to the Director of Surveys before the commencement of the re-survey. Evidence of original survey

(4) Before re-establishing any monument with respect to which any notice has been given the surveyor appointed to make such survey shall, by registered letter, request the person who has given such notice to appear before him at a time and place specified and to show the position of said monument or to produce the evidence in his possession with regard thereto. Production of evidence

31. Not less than one week after the last publication of the notice as provided in the next preceding section the surveyor appointed shall proceed to make the re-survey in accordance with the provisions of this Act, and to place iron posts, or other durable monuments approved by the Minister, to mark the same and shall submit such returns of survey as the Minister may require. How survey to be made
Return of re-survey

32. Upon receipt of the returns of survey the Minister shall cause a notice thereof to be inserted in two consecutive issues of *The Alberta Gazette* and once each week for a period of four consecutive weeks in some newspaper published in the vicinity of the lands re-surveyed, and shall specify in the notice a day, not less than ten days from the date of the last publication of such notice, on which the returns of survey will be considered, and the parties affected thereby heard, and on the hearing the Minister may either confirm the survey or direct such amendments or corrections to be made as shall seem just, and shall confirm the survey so amended or corrected, and the monuments so established shall thereafter mark the permanent boundary lines of the lands re-surveyed to all intents and purposes of law whatsoever, and the order of the Minister confirming the said survey shall be final and conclusive upon all parties, and shall not be questioned in any court whatsoever, whether the old monuments marking the original survey, or any of them, be subsequently found or their position proved by other evidence or not. Confirmation of survey

33. All expenses in connection with any re-survey or placing of monuments under the provisions of the four next preceding sections of this Act shall be paid by the treasurer of the municipality which made the application for such re-survey on the certificates of the Minister, which certificates may be issued from time to time as the survey progresses in his discretion. Municipal treasurer to pay costs of survey

34. Whenever application for such re-survey has been made by one-half the persons registered or assessed as owners of the lands to be affected thereby as hereinbefore provided, the council of such city, town, village or rural municipality shall cause to

be laid before it an estimate of the amount requisite to defray the expenses to be incurred in making any such re-survey and placing any monuments under the provisions of section 30 and the following sections, and such amount shall be added to and form part of the taxes of the lands affected for municipal purposes in proportion to the assessed value of such lands as shown by the last revised assessment roll and such amount may be recovered by any of the modes available for the recovery of taxes:

Provided that the council may without a previous estimate levy on lands affected in the proportions aforesaid the amount of the expenses when the same shall have been incurred and ascertained and the certificates of the Minister certifying the amount of such expenses as aforesaid shall be conclusive evidence of the amount thereof.

35. Where an application is made by any such council upon its own motion, such council if it deems the application to be in the public interest in assisting to determine the boundaries or limits of any such public road, or highway or the like, may pay out of the general funds of the municipality either the whole of the expense or such part thereof as the council may deem proper, and in the event of the council paying part only of the expense out of the general funds the council may order that the remainder of the expense be levied on the owners in the proportion and manner provided in the next preceding section.

PERSONAL SUPERVISION.

Personal
supervision

36. All surveys made under this Act must be made in person on the ground by the surveyor certifying to the correctness thereof and a certificate in the form A in the schedule to this Act attached to any plan of a survey shall mean that the survey represented by such plan has been actually carried out by the surveyor making the same, under his personal supervision and direction on the ground, in such a manner that he is certain of its correct execution, that the survey has been fully posted and completed on the ground and that the system of survey employed has been in all respects in accordance with all the provisions of this Act.

Obstructing
surveyor

37. If any person or persons, in any part of this province, interrupts, molests or hinders any land surveyor, while in the discharge of his duty as a surveyor, such person or persons shall be guilty of an offence and on summary conviction thereof before a justice of the peace be liable to a fine not exceeding fifty dollars (\$50.00) or to imprisonment for a term not exceeding two months, or to both fine and imprisonment; but nothing in this section contained shall prejudice or affect any civil remedy which such surveyor or any other party may have against such offender or offenders by reason thereof.

38. Nothing herein contained shall be deemed in any way to apply to surveys of Dominion lands or any other surveys made under the authority of any department of the Government of Canada.

REMOVING OR DEFACING LAND MARKS.

See *The Criminal Code*, R.S. of C., cap. 146, secs. 531 and 532.

SCHEDULE.

FORM A.

I....., Alberta Land Surveyor, do solemnly declare that the survey represented by this plan has been made by me in accordance with the provisions of *The Alberta Surveys Act*, and that this plan is correct and true to the best of my knowledge and belief and is prepared in accordance with the provisions of *The Land Titles Act*.

Declared before me..... }
 this.....day of..... }
 19.....

FORM B.

I....., Alberta Land Surveyor, do solemnly declare that the survey represented by the foregoing field notes has been made by me in accordance with the provisions of *The Alberta Surveys Act*, and that the said field notes are correct and true to the best of my knowledge and belief.

Declared before me..... }
 this.....day of..... }
 19.....

1911-12

CHAPTER 14.

An Act to amend The Herd Ordinance, being Chapter 81 of the Consolidated Ordinances.

(Consolidated in C.O. 1915, Chapter 81.)

1911-12

CHAPTER 15.

An Act to amend The Railway Act.

(Consolidated in 1907, Chapter 8.)

1911-12

CHAPTER 16.

**An Act to authorize the Guarantee of Certain Securities
of The Edmonton, Dunvegan and British Columbia
Railway Company.**

(See also 1914, *Cap. 27*; 1915, *Cap. 21*.)

(Assented to February 16, 1912.)

WHEREAS the Edmonton, Dunvegan and British Columbia Railway Company, a company incorporated by an Act of the Parliament of Canada, is authorized to construct the line of railway mentioned in the schedule hereto;

And whereas it is expedient to authorize the guarantee by the government of certain securities to be secured upon the said line mentioned in the said schedule and to be issued by the company;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council is hereby authorized on such terms and conditions not inconsistent with the provisions of this Act as may be agreed upon with the Edmonton, Dunvegan and British Columbia Railway Company (hereinafter called the company), to guarantee the payment of the principal and interest of the bonds, debentures, debenture stock or other securities (hereinafter called the securities) of the company in respect of the line of railway mentioned in the first column of the schedule to this Act, to the extent of the amount per mile mentioned in the second column of the said schedule, and for and in respect of the mileage of such line mentioned in the third column of the schedule to this Act, and upon the terms hereinafter set forth.

2. The certificate of the Minister of Railways and Telephones of the Province of Alberta as to the mileage of the said line shall, for the purposes of this Act and of the guaranteed securities, be conclusive, but the said Minister may issue interim certificates from time to time based upon the estimated mileage with regard thereto. A final certificate shall ultimately be issued by the said Minister with regard to the said line to accord with the miles and fractions of miles of the said line actually constructed between the points authorized. The said securities may be made payable in whole or in part in lawful money of Canada or in its equivalent in sterling or other money. Interest thereon shall be payable at the rate of four per cent. per annum half-yearly. The principal shall be payable in thirty years from the passing of this Act.

3. The said securities shall be secured by one or more deeds of trust by way of mortgage or charge to a trustee or trustees

approved by the Lieutenant Governor in Council and such deed or deeds of trust shall grant a first mortgage or charge upon the line of railway, and the rolling stock and equipment, present and future, acquired for the purposes of the said line, and the tolls, revenues and income arising and to arise therefrom, and the rights, privileges, franchises and powers of the company now or hereafter held or enjoyed in respect of the said line of railway and the operation and maintenance thereof.

4. The kind of securities to be guaranteed, and the form and terms thereof, and the form and terms of the deed or deeds of trust by way of mortgage securing them, and the times and manner of the issue of the securities, and the disposition of the moneys to be raised thereon by sale, pledge or otherwise, pending the expenditure of such moneys for the purposes of the said line of railway, and the form and manner of the guarantee or guarantees from time to time or at any time given in respect thereof, shall be such as the Lieutenant Governor in Council may approve.

5. The said guarantee or guarantees shall be signed by the Provincial Treasurer or such other officer as may be designated by the Lieutenant Governor in Council and upon being so signed the Province of Alberta shall become liable for the payment of the principal and interest of the securities guaranteed according to the tenor thereof, and the Lieutenant Governor in Council is hereby authorized to make arrangements for supplying the money necessary to fulfil the requirements of the said guarantee or guarantees and to advance the amount necessary for that purpose out of the general revenue of the province, and in the hands of any purchaser, pledgee or other person acquiring any of such securities the said guarantee or guarantees so signed shall be conclusive evidence that the requirements of this Act with respect to the guaranteed securities and the deed of trust and all matters relating thereto have been complied with.

6. All moneys realized by sale, pledge or otherwise of the securities hereby authorized shall be paid directly by the purchaser, subscriber, pledgee or lender into a bank or banks approved by the Lieutenant Governor in Council to the credit of a special account in the name of the Treasurer of the province or to such other credit as the Lieutenant Governor in Council may direct; and if the money be borrowed by the company upon pledge or otherwise of any of the securities prior to sale thereof, which money shall be paid in as aforesaid, the amount so paid in shall be deducted from the purchase price subsequently received for the securities so borrowed upon, and the balance only shall be paid in; and securities borrowed upon may after the loans thereon have been paid or discharged by the company be issued or re-issued and shall be secured by the said deed or deeds of trust and entitled to the benefit thereof notwithstanding such loans and payment or discharge. The balances at the credit of the special account or accounts shall be credited with interest at such times and at such rates as may be agreed upon between the company and the bank holding the same, and the said balances shall from time to time be paid out to the company or its nominees in monthly payments as far as practicable as the construction

of the line of railway mentioned in the schedule hereto is proceeded with to the satisfaction of the government according to the specification fixed by contract between the government and the company, and from time to time as the said work of construction proceeds the government shall (subject to the provisions of the next succeeding clause of this Act), out of the said balances, pay to the company or its nominees, in monthly payments as far as is practicable such sums as an engineer appointed by the Lieutenant Governor in Council shall certify as justified, having regard to the proportion of the work done upon the said line of railway as compared with the whole work done and to be done thereon. The balance, if any, of the proceeds of such securities which may remain after the completion of the said line of railway shall be paid over to the company or its nominees. Pending completion of the said line of railway the balances at the credit of such special account shall, until paid out as above provided for, be deemed part of the mortgaged premises under said deed or deeds of trust and shall not be taken to be public moneys received by the province.

7. No amount shall be paid by the government out of the moneys arising by the sale, pledge or otherwise of the securities hereby authorized until work equal in value to fifty miles of constructed line has been completed by the company to the satisfaction of the government according to the specifications fixed by contract between the government and the company, but upon such work equal in value to fifty miles of constructed line being so completed by the company the government shall out of the moneys so realized by sale, pledge or otherwise of the securities hereby authorized pay to the company or its nominees such amount as an engineer appointed by the Lieutenant Governor in Council shall certify as justified, having regard to the proportion of the said work equal in value to fifty miles of constructed line as compared with the whole work done or to be done on the said line.

8. Work to the value of at least one hundred miles of constructed line shall be done by the company upon the line of railway in the schedule mentioned on or before the thirty-first day of December, 1912, and similarly each consecutive year until the whole of the said line is completed and ready for traffic, and the said line shall be completed and ready for traffic on or before the thirty-first day of December, 1915. 1914, c. 2, s. 8.

9. The said line shall be constructed to a general standard in all respects, apart from grades and curvature (as to which the character of the country through which the line passes shall be taken into consideration) not inferior to the standard set by the specifications of the main line of the Canadian Northern Railway between Winnipeg and Edmonton, and to the satisfaction of the Minister of Railways and Telephones.

10. Any payment by the province of principal or interest on the said securities, pursuant to the guarantee thereof, shall not in any event be taken to affect the liability of the company therefor under the securities so paid or under the deed or deeds of trust securing the payment thereof, but such liability shall

remain unimpaired and enforceable by the province against the company. The province shall be subrogated as against the company to all rights, privileges and powers to which the holders of the respective securities so paid were entitled by virtue of such securities, or of the said deed or deeds of trust prior to payment by the province under its guarantee, and shall with respect to the securities so paid be in the same position as a holder of securities upon which the company has made default.

11. Subject to the proviso in this section contained the deed or deeds of trust (hereinafter called the original instruments) securing the securities hereby authorized to be guaranteed may provide for the issue from time to time and ranking *pari passu* with the said securities and without preference or priority one over the other of additional securities of similar kind, tenor and effect in respect of the mileage of the line mentioned in the schedule hereto, and also additional securities of similar kind, tenor and effect also ranking *pari passu* and without preference or priority as aforesaid in respect of additional lines of railway in the Province of Alberta to be hereafter constructed by the company, but not exceeding twenty thousand dollars (\$20,000) per mile of such additional lines; provided always that before any such additional securities are issued the guarantee by the province of the payment of principal and interest thereof shall first have been authorized and the amount to be issued per mile in respect of such line or lines shall first have been fixed by the Legislative Assembly and that such guarantee shall first have been given pursuant thereto.

12. A supplementary deed or deeds of trust (herein called supplementary instruments) covering the said line mentioned in the schedule hereto in respect of which additional securities are authorized to be issued or such additional lines as aforementioned, as the case may be, in the form approved by the Lieutenant Governor in Council shall from time to time be taken to the trustees of the original instruments, and such additional securities shall be issued under the terms of the original instruments and supplementary instruments which, together with the mortgaged premises covered by the original and supplementary instruments, shall form the security for all the securities issued thereunder in the same manner and with the same effect as if the original instrument and supplementary instrument or instruments formed together but one instrument, and as if all securities issued or to be issued under the original or supplementary instruments were issued under one instrument.

13. Should the constructed mileage of the line specified in the schedule be less than the mileage estimated in the said schedule by reason whereof there remains—

A surplus of authorized mileage in respect of which no securities were actually issued or guaranteed; or

A surplus of proceeds of the moneys realized by sale, pledge or otherwise of the guaranteed securities issued in respect thereof,

the Lieutenant Governor in Council may guarantee additional securities in respect of such surplus of mileage or authorize the application of such surplus of proceeds, whichever may be the

case, in or in respect of further construction by the company or extensions of the line mentioned in the schedule or of branches thereof, or of other lines of railway in Alberta approved by the Lieutenant Governor in Council.

14. A supplementary deed or deeds of trust covering the mileage further constructed by the company under the last preceding section of this Act shall be taken to the trustees of the original instruments mentioned in sections 11 and 12 of this Act, and the provisions of section 12 shall, where not inconsistent with this section or with the last preceding section, apply to the supplementary deeds executed under this section and to the securities which may be issued and guaranteed in pursuance thereof.

SCHEDULE.

Line of Railway	Guarantee per mile	Mileage Guaranteed
A line of railway from Edmonton through Dunvegan to the western boundary of the province running south of Lesser Slave Lake.....	\$20,000	350

1911-12

CHAPTER 17.

**An Act to authorize the Guarantee of Certain Securities
of The Canadian Northern Railway Company.**

(See also 1909, Cap. 14.)

(Assented to February 16, 1912.)

WHEREAS by chapter 14 of the Statutes of Alberta, passed in the year 1909, entitled "*An Act to authorize the guarantee of certain securities of the Canadian Northern Railway Company*" (hereinafter called the said Act), provision was made for the guaranteeing by the Province of Alberta of securities in respect, amongst others, of certain lines which the Canadian Northern Railway Company (hereinafter called the company) was authorized to construct, and for the securing of the guaranteed securities by means of certain mortgages or deeds of trust;

And whereas by section 10 of the said Act it was, amongst other things, enacted that provision might be made for the issue from time to time, ranking *pari passu* with the securities guaranteed under the said Act and without preference or priority one over the other, of additional securities of similar kind, tenor and effect, not exceeding \$15,000 per mile of additional lines of railway in the Province of Alberta to be thereafter constructed by the company; provided that before such additional securities were issued the guarantee by the province of the payment of the principal and interest thereof should first have been authorized by the Legislative Assembly and that such guarantee should first have been given pursuant to such authorization;

And whereas it is expedient to authorize the guarantee by the province of additional securities, pursuant to the said provision;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council is hereby authorized, on such terms and conditions not inconsistent with the provisions of this Act, as may be agreed upon with the company to guarantee the payment of the principal and interest of additional bonds, debentures, debenture stock or other securities (hereinafter called the additional securities) of the company to the extent and upon the terms hereinafter set forth.

2. The additional securities shall form part of the issue secured by the mortgage dated the tenth day of June, 1909, and made between The Canadian Northern Railway Company, National Trust Company, Limited, and The British Empire Trust Company, Limited, as trustees, and His Majesty the King, representing the Province of Alberta (being the deed of trust by way of mortgage securing the guaranteed securities authorized to be issued and guaranteed by the said Act); and the additional securities shall

be limited to the amount represented by \$13,000 per mile of one additional line of railway (hereinafter called the additional line of railway) namely: The line of the company's railway extending from a point within the limits of the Province of Alberta, being mile 175 of the company's Saskatoon-Calgary line, measured along the centre line of such railway from Saskatoon, and running from such point in a generally westerly and southerly direction to a junction with the company's Vegreville-Calgary line near the crossing of the Red Deer River, a distance of about one hundred and thirty miles.

3. Before the additional securities are issued and guaranteed, supplementary mortgages or deeds of trust covering the lines mentioned in the schedule to the said Act and the additional line of railway, in the form approved by the Lieutenant Governor in Council, shall, as provided in section 11 of the said Act, be taken to the trustees of the mortgage dated the tenth day of June, 1909, hereinbefore referred to.

4. The certificate of the Minister of Railways and Telephones of Alberta as to the mileage of the additional line of railway shall, for the purposes of this Act and of the additional securities, be conclusive.

5. The additional line of railway being already commenced shall be completed and put in operation on or before the 31st day of December, 1913.

6. All the provisions of the said Act not inconsistent with the provisions of this Act shall apply to the additional line of railway and to the additional securities issued and guaranteed in pursuance hereof.

1911-12

CHAPTER 18.

**An Act to authorize the Guarantee of Certain Securities
of The Grand Trunk Pacific Branch Lines Company.**

(Assented to February 16, 1912.)

WHEREAS the Grand Trunk Pacific Branch Lines Company, a company incorporated by an Act of the Parliament of Canada, being chapter 99 of the Acts passed in the sixth year of the reign of His late Majesty King Edward the Seventh, is authorized to construct the line of railway mentioned in the schedule hereto and has already constructed a portion of the said line;

And whereas it is expedient to authorize the guarantee by the government of certain securities to be secured upon the said line mentioned in the said schedule and to be issued by the company;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council is hereby authorized on such terms and conditions not inconsistent with the provisions of this Act as may be agreed upon with the Grand Trunk Pacific Branch Lines Company (hereinafter called the company), to guarantee the payment of the principal and interest of the bonds, debentures, debenture stock or other securities (hereinafter called the securities) of the company in respect of the line of railway mentioned in the first column of the schedule to this Act, to the extent of the amount per mile mentioned in the second column of the said schedule to this Act, and upon the terms hereinafter set forth.

2. The certificate of the Minister of Railways and Telephones of the Province of Alberta as to the mileage of the said line shall, for the purposes of this Act and of the guaranteed securities, be conclusive, but the said Minister may issue interim certificates from time to time based upon the estimated mileage of the said line, or fixing temporarily the mileage with regard thereto. A final certificate shall ultimately be issued by the said Minister with regard to the said line to accord with the miles and fractions of miles of the said line actually constructed between the points authorized. The said securities may be made payable in whole or in part in lawful money of Canada or in its equivalent in sterling or other money. Interest thereon shall be payable at the rate of four per cent. per annum half-yearly. The principal shall be payable in thirty years from the passing of this Act.

3. The said securities shall be secured by one or more deeds of trust by way of mortgage or charged to a trustee or trustees approved by the Lieutenant Governor in Council and such deed

or deeds of trust shall grant a first mortgage or charge upon the line of railway, and the rolling stock and equipment, present and future, acquired for the purposes of the said line, and the tolls, revenues and income arising and to arise therefrom, and the rights, privileges, franchises and powers of the company now or hereafter held or enjoyed in respect of the said line of railway and the operation and maintenance thereof.

4. The kind of securities to be guaranteed, and the form and terms thereof, and the form and terms of the deed or deeds of trust by way of mortgage securing them, and the times and manner of the issue of the securities, and the disposition of the moneys to be raised thereon by sale, pledge or otherwise, pending the expenditure of such moneys for the purposes of the said line of railway, and the form and manner of the guarantee or guarantees from time to time or at any time given in respect thereof, shall be such as the Lieutenant Governor in Council may approve.

5. The said guarantee or guarantees shall be signed by the Provincial Treasurer or such other officer as may be designated by the Lieutenant Governor in Council and upon being so signed the Province of Alberta shall become liable for the payment of the principal and interest of the securities guaranteed according to the tenor thereof, and the Lieutenant Governor in Council is hereby authorized to make arrangements for supplying the money necessary to fulfil the requirements of the said guarantee or guarantees and to advance the amount necessary for that purpose out of the general revenue of the province, and in the hands of any purchaser, pledgee or other person acquiring any of such securities the said guarantee or guarantees so signed shall be conclusive evidence that the requirements of this Act with respect to the guaranteed securities and the deed of trust and all matters relating thereto have been complied with.

6. All moneys realized by sale, pledge or otherwise of the securities hereby authorized shall be paid directly by the purchaser, subscriber, pledgee or lender into a bank or banks approved by the Lieutenant Governor in Council to the credit of a special account in the name of the Treasurer of the Province or to such other credit as the Lieutenant Governor in Council may direct; and if the money be borrowed by the company upon pledge or otherwise of any of the securities prior to sale thereof, which money shall be paid in as aforesaid, the amount so paid in shall be deducted from the purchase price subsequently received for the securities so borrowed upon, and the balance only shall be paid in; and securities borrowed upon may after the loans thereon have been paid or discharged by the company be issued or re-issued and shall be secured by the said deed or deeds of trust and entitled to the benefit thereof notwithstanding such loans and payment or discharge. The balances at the credit of the special account or accounts shall be credited with interest at such times and at such rates as may be agreed upon between the company and the bank holding the same, and the said balances shall from time to time be paid out to the company or its nominees in monthly payments as far as practicable as the construction of the line of railway mentioned in the schedule hereto is proceeded with to the satisfaction of the government

according to the specifications fixed by contract between the government and the company, and from time to time as the said work of construction proceeds the government shall out of the said balances pay to the company or its nominees in monthly payments as far as is practicable such sums as an engineer appointed by the Lieutenant Governor in Council shall certify as justified, having regard to the proportion of the work done upon the said line of railway as compared with the whole work done and to be done thereon. The balance, if any, of the proceeds of such securities which may remain after the completion of the said line of railway shall be paid over to the company or its nominees. Pending completion of the said line of railway the balances at the credit of such special account shall, until paid out as above provided for, be deemed part of the mortgaged premises under said deed or deeds of trust and shall not be taken to be public money received by the province.

7. The line of railway in the schedule mentioned shall be completed and ready for traffic on or before the thirty-first day of December, 1912.

8. The said line shall be constructed to a general standard in all respects, apart from grades and curvature (as to which the character of the country through which the line passes shall be taken into consideration) not inferior to the standard set by the specifications of the main line of the Canadian Northern Railway between Winnipeg and Edmonton, and to the satisfaction of the Minister of Railways and Telephones.

9. Any payment by the province of principal or interest on the said securities, pursuant to the guarantee thereof, shall not in any event be taken to affect the liability of the company therefor under the securities so paid or under the deed or deeds of trust securing the payment thereof, but such liability shall remain unimpaired and enforceable by the province against the company. The province shall be subrogated as against the company to all rights, privileges and powers to which the holders of the respective securities so paid were entitled by virtue of such securities, or of the said deed or deeds of trust prior to payment by the province under its guarantee, and shall with respect to the securities so paid be in the same position as a holder of securities upon which the company has made default.

10. Subject to the provision in this section contained the deed or deeds of trust (hereinafter called the original instruments) securing the securities hereby authorized to be guaranteed may provide for the issue from time to time and ranking *pari passu* with the said securities and without preference or priority one over the other of additional securities of similar kind, tenor and effect in respect of the mileage of the line mentioned in the schedule hereto, and also additional securities of similar kind, tenor and effect also ranking *pari passu* and without preference or priority as aforesaid in respect of additional lines of railway in the Province of Alberta to be hereafter constructed by the company, but not exceeding twenty thousand dollars (\$20,000) per mile of such additional lines; provided always, that before any such additional securities are issued the guarantee by the

province of the payment of principal and interest thereof shall first have been authorized and the amount to be issued per mile in respect of such line or lines shall first have been fixed by the Legislative Assembly and that such guarantee shall first have been given pursuant thereto.

11. A supplementary deed or deeds of trust (herein called supplementary instruments) covering the said line mentioned in the schedule hereto in respect of which additional securities are authorized to be issued or such additional lines as aforementioned, as the case may be, in the form approved by the Lieutenant Governor in Council shall from time to time be taken to the trustees of the original instruments, and such additional securities shall be issued under the terms of the original instruments and supplementary instruments which, together with the mortgaged premises covered by the original and supplementary instruments, shall form the security for all the securities issued thereunder in the same manner and with the same effect as if the original instrument and supplementary instrument or instruments formed together but one instrument, and as if all securities issued or to be issued under the original or supplementary instruments were issued under one instrument.

12. Should the constructed mileage of the line specified in the schedule be less than the mileage estimated in the said schedule by reason whereof there remains—

A surplus of authorized mileage in respect of which no securities were actually issued or guaranteed; or

A surplus of proceeds of the moneys realized by sale, pledge or otherwise of the guaranteed securities issued in respect thereof,

the Lieutenant Governor in Council may guarantee additional securities in respect of such surplus of mileage or authorize the application of such surplus of proceeds, whichever may be the case, in or in respect of further construction by the company or extensions of the line mentioned in the schedule, or of branches thereof, or of other lines of railway in Alberta approved by the Lieutenant Governor in Council.

13. A supplementary deed or deeds of trust covering the mileage further constructed by the company under the last preceding section of this Act shall be taken to the trustees of the original instruments mentioned in sections 10 and 11 of this Act, and the provisions of section 11 shall, where not inconsistent with this section or with the last preceding section, apply to the supplementary deeds executed under this section and to the securities which may be issued and guaranteed in pursuance thereof.

SCHEDULE.

Line of Railway	Guarantee per mile	Mileage guaranteed
A line of railway known as the Alberta Coal Branch running from Bickerdike in a southerly and westerly direction to a point in Township forty-eight (48), Range twenty-one (21), west of the Fifth meridian; thence south-easterly to a point in Township forty-seven (47), Range nineteen (19), west of the Fifth meridian.	\$20,000	58

1911-12

CHAPTER 19.

An Act to authorize the Guarantee of Certain Securities of The Canadian Northern Western Railway Company.

(See also 1913 (1), *Cap.* 20; 1913 (2), *Cap.* 9; 1915, *Cap.* 20.)

(Assented to February 16, 1912.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council is hereby authorized on such terms and conditions not inconsistent with the provisions of this Act as may be agreed upon with the Canadian Northern Western Railway Company (hereinafter called the company) to guarantee the payment of the principal and interest of the bonds, debentures, debenture stock or other securities (hereinafter called securities) of the company in respect of each of the lines of railway mentioned in the first column of the schedule to this Act, being the column of such schedule headed "Lines of Railway," to the extent of the amounts per mile respectively set opposite each of such lines in the second column of the said schedule, being the column headed "Guarantee per mile in dollars," and for and in respect of the mileage of such lines respectively set opposite each of such lines in the third column of the schedule (whether the same be for and in respect of the whole mileage of such lines respectively or any portion thereof) being the column headed "Mileage guaranteed," and upon the terms hereinafter set forth.

2. The certificate of the Minister of Railways and Telephones of the Province of Alberta as to the mileage of the said respective lines of railway shall, for the purposes of this Act and of the guaranteed securities, be conclusive, but the said Minister may issue interim certificates from time to time based upon the estimated mileages of the said lines or any of them, or fixing temporarily the mileages with regard thereto. Final certificates shall be ultimately issued by the said Minister with regard to each of the said lines to accord with the miles and fractions of miles of the said lines actually constructed between the points authorized. The said securities may be made payable in whole or in part in lawful money of Canada or in its equivalent in sterling or other money. Interest thereon shall be payable at the rate of four per cent. per annum half-yearly. The principal shall be payable in thirty years from the passing of this Act.

3. The said securities shall be secured by one or more deeds of trust by way of mortgage or charged to a trustee or trustees approved by the Lieutenant Governor in Council and such deed

or deeds of trust shall grant a first mortgage or charge upon the line or lines of railway included therein and with respect to the mileage of which the securities secured thereby are issued, and the rolling stock and equipment, present and future, acquired for the purposes of the said line or lines so included in such deed or deeds of trust respectively, and the tolls, revenues and income arising and to arise therefrom, and the rights, privileges, franchises and powers of the company now or hereafter held or enjoyed in respect of the said line or lines and the operation and maintenance thereof.

4. The kind of securities to be guaranteed, and the form and terms thereof, and the form and terms of the deed or deeds of trust by way of mortgage securing them, and the times and manner of the issue of the securities, and the disposition of the moneys to be raised thereon by sale, pledge or otherwise, pending the expenditure of such moneys for the purposes of the said lines of railway respectively, and the form and manner of the guarantee or guarantees from time to time or at any time given in respect thereof shall be such as the Lieutenant Governor in Council may approve.

5. The said guarantee or guarantees shall be signed by the Provincial Treasurer or such other officer as may be designated by the Lieutenant Governor in Council and upon being so signed the Province of Alberta shall become liable for the payment of the principal and interest of the securities guaranteed according to the tenor thereof, and the Lieutenant Governor in Council is hereby authorized to make arrangements for supplying the money necessary to fulfil the requirements of the said guarantee or guarantees and to advance the amount necessary for that purpose out of the general revenue of the province, and in the hands of any purchaser, pledgee or other person acquiring any of such securities the said guarantee or guarantees so signed shall be conclusive evidence that the requirements of this Act with respect to the guaranteed securities and the deed of trust and all matters relating thereto have been complied with.

6. All moneys realized by sale, pledge or otherwise of the securities hereby authorized shall be paid directly by the purchaser, subscriber, pledgee or lender into a bank or banks approved by the Lieutenant Governor in Council to the credit of a special account in the name of the Treasurer of the province or to such other credit as the Lieutenant Governor in Council may direct; and if money be borrowed by the company upon pledge or otherwise of any of the securities prior to sale thereof, which money shall be paid in as aforesaid, the amount so paid in shall be deducted from the purchase price subsequently received for the securities so borrowed upon, and the balance only shall be paid in; and securities borrowed upon may after the loans thereon have been paid or discharged by the company be issued or re-issued, and shall be secured by the said deed or deeds of trust and entitled to the benefit thereof notwithstanding such loans and payment or discharge. The balances at the credit of the special account or accounts shall be credited with interest at such times and at such rates as may be agreed

upon between the company and the bank holding same, and the said balances shall from time to time be paid out to the company or its nominees in monthly payments as far as is practicable as the construction of the respective lines of railway specified in the schedule hereto is proceeded with to the satisfaction of the government according to the specifications fixed by contract between the government and the company, and from time to time as the said work of construction proceeds the government shall out of the said balances pay to the company or its nominees in monthly payments as far as is practicable such sums as an engineer appointed by the Lieutenant Governor in Council shall certify as justified, having regard to the proportion of work done upon the said respective lines of railways as compared with the whole work done and to be done upon such lines respectively, each line for this purpose being treated as a separate line. The balance, if any, of the proceeds of such securities (at the rates respectively specified in the schedule hereto) which may remain after the completion of each of the said lines of railway, respectively, treated as separate lines, shall be paid over to the company or its nominees. Pending completion of the said respective lines the balances at the credit of such special accounts shall, until paid out as above provided for, be deemed part of the mortgaged premises under said deed or deeds of trust and shall not be taken to be public moneys received by the province.

7. Work to the value of at least two hundred (200) miles of constructed line shall be done by the company upon the lines in the schedule mentioned on or before the 31st day of December, 1912, and similarly each consecutive year until the whole of the said lines are completed and ready for traffic; and the said lines shall be completed and ready for traffic on or before the 31st day of December, 1915.

8. The said lines shall be constructed to a general standard in all respects, apart from grades and curvature (as to which the character of the country through which the lines pass shall be taken into consideration) not inferior to the standard fixed by the specifications of the main line of the Canadian Northern Railway between Winnipeg and Edmonton, and to the satisfaction of the Minister of Railways and Telephones.

9. Any payment by the province of principal or interest on the said securities, pursuant to the guarantee thereof, shall not in any event be taken to affect the liability of the company therefor under the securities so paid or under the deed or deeds of trust securing the payment thereof, but such liability shall remain unimpaired and enforceable by the province against the company. The province shall be subrogated as against the company to all rights, privileges and powers to which the holders of the respective securities so paid were entitled by virtue of such securities, or of the said deed or deeds of trust prior to payment by the province under its guarantee, and shall with respect to the securities so paid be in the same position as a holder of securities upon which the company has made default.

10. Subject to the proviso in this section contained, the deed or deeds of trust (hereinafter called the original instruments)

securing the securities hereby authorized to be guaranteed may provide for the issue from time to time and ranking *pari passu* with the said securities and without preference or priority one over the other of additional securities of similar kind, tenor and effect in respect of the mileage of any of the lines mentioned in the schedule hereto, and also additional securities of similar kind, tenor and effect also ranking *pari passu* and without preference or priority as aforesaid in respect of additional lines of railway in the Province of Alberta to be hereafter constructed by the company, but not exceeding twenty thousand dollars (\$20,000) per mile of such additional lines; provided always, that before any such additional securities are issued the guarantee by the province of the payment of the principal and interest thereof shall first have been authorized and the amounts to be issued per mile in respect of such lines shall first have been fixed by the Legislative Assembly and that such guarantee shall first have been given pursuant thereto.

11. A supplementary deed or deeds of trust (herein called supplementary instruments) covering the said lines mentioned in the schedule hereto in respect of which additional securities are authorized to be issued or such additional lines as aforementioned, as the case may be, in the form approved by the Lieutenant Governor in Council shall from time to time be taken to the trustees of the original instruments, and such additional securities shall be issued under the terms of the original instruments and supplementary instruments which, together with the mortgaged premises covered by the original and supplementary instruments, shall form the security for all securities issued thereunder in the same manner and with the same effect as if the original instrument and supplementary instrument or instruments formed together but one instrument and as if all the securities issued or to be issued under the original or supplementary instruments were issued under one instrument.

12. Should the constructed mileage of any line or lines specified in the schedule to this Act, or the aggregate mileage of some or all of such lines, be less than the mileages estimated in the said schedule, by reason whereof there remains—

A surplus of authorized mileage in respect of which no securities at the rates respectively specified with regard thereto in such schedule were actually issued or guaranteed; or

A surplus of proceeds of the moneys realized by sale, pledge or otherwise of guaranteed securities issued in respect thereof,

the Lieutenant Governor in Council may guarantee additional securities in respect of such surplus of mileage or authorize the application of such surplus of proceeds, whichever may be the case, in or in respect of the further construction by the company of extension of the lines mentioned in the said schedule, or of branches therefrom, or of other lines of railway in Alberta approved by the Lieutenant Governor in Council.

(2) A supplementary deed or deeds of trust covering the mileage further constructed by the company under this section shall be taken to the trustees of the original instruments mentioned

in sections 10 and 11 of this Act, and the provisions of section 11 shall, where not inconsistent with this section, apply to the supplementary deeds executed under this section and to the securities which may be issued and guaranteed in pursuance hereof.

SCHEDULE.

Lines of Railway	Guarantee per mile in dollars	Mileage guaranteed
1. From a point on the Canadian Northern Railway in the Town of Athabasca Landing; thence in a generally north-easterly direction to a point on the Athabasca River at or near Fort McMurray..	\$15,000	175
2. From a point on the line described in paragraph 1 of this schedule; thence in a generally easterly direction to a point at or near Lac la Biche....	15,000	40
3. From a point on the authorized line of the Canadian Northern Railway at the Town of Athabasca Landing; thence in a north-westerly direction on the north side of the Athabasca River to Lesser Slave Lake; thence on the north side of Lesser Slave Lake to a point at the Village of Grouard, and thence to a point on Peace River at Peace River Landing.....	15,000	100
4. From a point on the Canadian Northern Alberta Railway at or near Onoway; thence in a generally north-westerly direction to a point on the provincial boundary line at or near Pine or Peace River Passes, or one of them.....	20,000	250
5. From a point on the constructed line of the Canadian Northern Railway at or near Edmonton; thence in a north-easterly direction on the north side of the North Saskatchewan River to St. Paul de Metis, and thence to the eastern boundary of the Province of Alberta.....	13,000	100
6. From a point on the constructed line of the Canadian Northern Railway at or near Bruderheim; thence in a generally easterly and south-easterly direction to a point at Vermilion; thence in a southerly direction to a point at or near Wainwright and via Hanna through Medicine Hat to a point on the southern boundary of the Province of Alberta; with a branch from a point north-west of Vermilion in Townships 53 and 54 easterly to the eastern boundary of the province. (Am. 1915, c. 2., s. 19)	13,000	200
7. From a point at or near Calgary; thence in a generally north-easterly direction to the company's authorized line running toward the Brazeau River	13,000	100
8. From Camrose in a generally south-easterly direction keeping north of the Battle River until the line reaches to or near the eastern boundary of Range 12; thence in a south-easterly direction to the eastern boundary of the Province of Alberta....	13,000	80
9. From a point on the company's line, Brazeau branch, at or near Medicine River; thence in a generally southerly direction through the Village of Cochrane and thence west of the Porcupine Hills into Pincher Creek, on the authorized line of the Canadian Northern Railway running south-westerly from Macleod, and northerly from the said point of juncture at or near the Medicine River west of Pigeon Lake to Strathcona.....	15,000	100
10. From a point on the company's line running toward the Brazeau River, at or near Blackfalds; thence in a generally easterly and southerly direction to connect with the Saskatoon-Calgary line of the Canadian Northern Railway.....	13,000	130

1911-12

CHAPTER 20.

An Act respecting the Punishment of Corrupt Practices at Municipal Elections and the Trial of Controverted Municipal Elections.

(Assented to February 16, 1912.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Short title	1. This Act may be cited as " <i>The Controverted Municipal Elections Act.</i> "
Interpretation	2. In this Act unless the context otherwise requires—
Clerk of the municipality	1. The expression "clerk of the municipality" means and includes the clerk of any city to which this Act applies, the secretary of any rural municipality or town, or the secretary-treasurer of any village, as the case may be;
Court, judge	2. The expression "court" means the District Court of the judicial district within which the municipality is wholly situated, or if portions of the municipality are situated in two or more judicial districts the District Court of any such judicial district and the expression "judge" means the judge of said court;
Council	3. The expression "council" means the municipal council of any city to which this Act applies, town, village or rural municipality;
Municipality	4. The expression "municipality" means and includes cities to which this Act applies, town, villages and rural municipalities;
Voter	5. The expression "voter" means any person entitled to vote at any election or upon any by-law, as the case may be, in any municipality or any person actually voting at any such election or upon any such by-law.
Application of Act	3. Nothing in this Act contained shall apply to cities incorporated by Ordinance or Act at the date of the coming into force of this Act.

CORRUPT PRACTICES.

Bribery	4. The following persons shall be deemed guilty of bribery and shall be punishable accordingly: 1. Every person who directly or indirectly by himself or by any other person on his behalf gives, lends or agrees to give or lend or offers or promises money or valuable consideration or gives or procures or agrees to give or procure or offers or promises any office, place or employment to or for any voter or to or for any person on behalf of any voter or any person in order to induce any voter to vote or to refrain from voting at an election or to
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vote or refrain from voting upon a by-law for raising money or creating a debt or who corruptly does any such act as aforesaid on account of such voter having voted or having refrained from voting at such election or upon such by-law;

2. Every person who directly or indirectly by himself or by any other person on his behalf makes any gift, loan, offer, promise or agreement as aforesaid to or for any person in order to induce such person to procure or defeat or endeavour to procure or defeat the return of any person to serve in the council or to procure or defeat the passing of any by-law as aforesaid or the vote of any voter at an election or at the voting upon any by-law;

3. Every person who by reason of any such gift, loan, offer, promise, procurement or agreement procures or engages or promises or endeavours to procure or defeat the return of any person in an election or to procure or defeat the passing of any by-law as aforesaid or the vote of any voter at an election or at the voting upon a by-law;

4. Every person who advances or pays or causes to be paid money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at an election or at any voting upon any such by-law as aforesaid or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election or at the voting upon any such by-law;

5. Every voter who before or during an election or before or during the voting on any such by-law directly or indirectly by himself or any other person on his behalf receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or any other person for voting or agreeing to vote or refraining or agreeing to refrain from voting at any such election or upon any such by-law;

6. Every person who after any such election or the voting upon any such by-law directly or indirectly by himself or any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any such election or upon any such by-law;

7. Every person who hires horses, teams, carriages or other vehicles for the purpose of conveying voters to or from the polls and every person who receives pay for the use of any horses, teams, carriages or other vehicles for the purpose of conveying voters to and from any poll as aforesaid.

5. Every person who directly or indirectly by himself or by any other person on his behalf makes use of or threatens to make use of any force, violence or restraint or inflicts or threatens the infliction by himself or by or through any other person of any injury, damage, harm or loss or in any manner practises intimidation upon or against any person in order to induce or compel any such person to vote or refrain from voting at any election or at the voting upon any by-law or on account of any such person having voted or refrained from voting thereat, or who by abduction, duress or any fraudulent device or contrivance impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter or thereby compels, induces or prevails

Threats, etc.

upon a voter to give or refrain from giving his vote at any election or at the voting upon any by-law shall be deemed to have committed the offence of undue influence.

Personal
expenses

6. The actual personal expenses of a candidate, his expenses for actual professional services performed and all *bona fide* payments for the fair cost of printing and advertising shall be held to be expenses lawfully incurred and the payment thereof shall not be a contravention of this Act.

Evidence on
quo warranto

7. When upon a motion in the nature of a *quo warranto* a question is raised as to whether the candidate or any voter or other person has been guilty of any violation of section 4 or section 5 hereof affidavit evidence shall not be used to prove the offence but it shall be proved by *viva voce* evidence.

Forfeiture
and dis-
qualification

8. Any candidate elected at an election who is found guilty by a judge upon the hearing of a motion in the nature of a *quo warranto* of any act of bribery or of using undue influence as aforesaid shall forfeit his seat and shall be ineligible as a candidate at any election for four years thereafter.

Dis-
qualification

9. Any person who is adjudged guilty of any offence within the meaning of section 4 or section 5 hereof shall incur a penalty of \$100 and shall be disqualified from voting at any election or upon any by-law for the next succeeding two years.

Recovery of
penalty

10. The money penalty imposed by the next preceding section shall be recoverable with full costs of suit by any person who sues for the same in the District Court and any person against whom judgment is rendered shall be ineligible either as a candidate or an elector until the amount so recovered against him has been fully paid and satisfied.

Imprisonment

11. The judge shall direct that in default of payment of the said penalty and costs within the time fixed by the judge the offender shall be imprisoned for such period not exceeding thirty days as is directed by the said judgment and in case of such default of payment the judge shall issue a warrant for the arrest and imprisonment of the offender in accordance with the said judgment until the penalty and costs are fully paid or for such other period not exceeding thirty days as the order may direct.

Report of
liability to
penalty

12. The judge who finds any candidate guilty of a contravention of section 4 or section 5 hereof or who adjudges any person to pay any penalty imposed under section 9 shall report the same forthwith to the clerk of the municipality.

Record of
disqualified
persons

13. The clerk of the municipality shall enter in a book to be kept for that purpose the names of all persons who have been so adjudged guilty of any offence within the meaning of section 4 or section 5 hereof and whose names have been reported to him by the judge aforesaid.

14. Every witness shall be bound to attend before the judge ^{Witnesses} upon being served with a subpoena directing his attendance and upon payment of the necessary witness fees and conduct money and in default thereof he may be punished for contempt.

15. No person shall be excused from answering any question ^{Privilege of witnesses} put to him upon the hearing of any motion in the nature of a *quo warranto* or in any proceeding touching or concerning any election or the voting upon any by-law or the conduct of any person in relation thereto on the ground of any privilege or on the ground that the answer to the question will tend to criminate him; but no answer to any such question shall be used in any proceeding under this Act against such person if the judge gives to him a certificate that he made full and true answers to the satisfaction of the judge.

16. All proceedings under this Act other than an application ^{Limitation} in the nature of a *quo warranto* against any person for any violation of section 4 or section 5 hereof shall be commenced within four weeks after the election at which the offence is alleged to have been committed or within four weeks after the day of the voting upon a by-law as aforesaid.

17. No pecuniary penalty or forfeiture imposed by this Act ^{Exemption} shall be recoverable for any act of bribery or corrupt practice at an election or at the voting upon a by-law in case it appears that the person charged and another person or other persons were together guilty of the act charged either as giver or receiver or as accomplices or otherwise and that the person charged has previously *bona fide* prosecuted the other person or persons or any of them for the said act but this provision shall not apply in case the judge before whom the person claiming the benefit thereof is charged certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence charged and was in fact the principal offender.

TRIAL OF CONTESTED ELECTIONS.

18. In case the validity of an election of a member of any ^{Trial of contested elections} municipal council or his right to hold the seat is contested the same may be tried by a judge; any candidate at the election or any voter who gave or tendered his vote thereat or (in case of an election by acclamation or in case the right to sit is contested on the grounds that a member of the council has become disqualified or has forfeited his seat since his election) any voter may be the relator for the purpose.

19. If within six weeks after an election a relator shows by ^{Notice of motion} affidavit to a judge reasonable grounds for supposing that the election was not legal or was not conducted according to law or that the person declared elected thereat was not duly elected or for contesting the validity of the election of any member of the council or in case at any time a relator shows by affidavit to a judge reasonable grounds for supposing that a member of the council has forfeited his seat or has become disqualified since his election and has not resigned his seat the judge may grant

his fiat authorizing the relator upon entering into a sufficient recognizance as hereinafter provided to serve a notice of motion in the nature of a *quo warranto* to determine the matter.

(2) The recognizance shall be entered into before the judge or before a commissioner for taking affidavits by the relator in the sum of \$200 and by two sureties to be allowed as sufficient by the judge upon affidavits of justification each in the sum of \$100; and shall be conditioned to prosecute the motion with effect and to pay to the party against whom the motion is made (who is herein called "the respondent") any costs which may be adjudged to him against the relator.

(3) When the sufficiency of the said sureties has been determined and the said recognizance has been allowed as sufficient by the judge he shall note or endorse thereon and upon the fiat allowing service of the notice of motion the words "recognizance allowed" and shall initial the same.

Contents of
notice

20. The notice of motion shall be at least seven clear days' notice and it may either state the return day of the motion or may state that the motion will be made on the eighth day after the day of service of the notice excluding the day of service.

(2) The relator in his notice of motion shall set forth his name in full, his occupation, place of residence and the interest which he has in the election as a candidate or a voter and shall also state specifically under distinct heads all the grounds of objection to the validity of the election complained against and in favour of the validity of the election of the relator or of any other person or persons where the relator claims that he or they or any of them have been duly elected or the grounds of forfeiture or disqualification of the respondent or as the case may be.

Affidavits, etc.

21. Before serving his notice of motion the relator shall file all the affidavits and material upon which he intends to rely except where *viva voce* evidence is to be taken; when in such case he shall name in his notice the witnesses whom he proposes to examine.

Service

22. The notice shall be served in such manner as the judge shall direct.

Time of
service

23. Services of the notices of motion shall be made within two weeks from the date of the fiat so granted by the judge unless otherwise ordered by the judge.

Claim of
seat

24. In case the relator alleges that he himself or some other person has been duly elected the motion shall be to try the validity both of the election complained of and of the alleged election of the relator or other person or persons.

Combination
of motions

25. In case any of the grounds of objection apply equally to two or more persons elected the relator may proceed by one motion against all such persons.

Grounds of
decision

26. Upon the hearing of the motion the relator shall not be allowed to object to the election of the respondent or to attack his right to sit or to support the election of any person alleged

to have been duly elected upon any ground not specified in the notice of motion; but the judge in his discretion may entertain any substantial ground of objection to or in support of the validity of the election of either or any of the parties which may appear in the evidence before him.

27. The judge may require the clerk of the municipality to produce before him such ballot papers, books, voters' and other lists and such other records of the election and papers in his hands connected therewith as to the judge may from time to time seem fit. Production of papers

28. The judge may if he thinks proper at any stage of the proceedings make an order adding the returning officer or any deputy returning officer or assistant deputy returning officer or any other person as a party thereto. Returning officer, etc., may be added

29. The judge may allow any person entitled to be a relator to intervene and prosecute or defend and may grant a reasonable time for that purpose; and an intervening party shall be liable or entitled to costs like any other party to the proceedings. Intervention of other parties

30. The judge shall in a summary manner without formal pleadings hear and determine the validity of the election or the right of the respondent to sit, and may inquire into the facts on affidavit or affirmation or by oral testimony. Hearing

31. In case the election complained of is adjudged invalid the judge shall by the judgment order the respondent to be removed and his seat shall *ipso facto* be vacated; and in case the judge determine that any other person was duly elected the judge shall forthwith order such other person to be admitted to the office. Judgment

(2) If the judge should determine that the election of all members of any council is invalid or if he should determine that all the members of any council have become disqualified or have forfeited their seats he shall forthwith order a new election to be held and such order shall be directed to the clerk of the municipality who shall have all such powers in connection with the holding of such election as are conferred by law upon the council of such municipality for filling vacancies in the council; provided that the Minister shall have power to make such regulations for the conduct of such elections not inconsistent with any Ordinance of the North-West Territories or Act of the Province of Alberta having the force of law in such municipality as he may deem proper from time to time, and such secretary-treasurer shall conform in all respects to such regulations.

32 Where an election has been held invalid owing to the improper refusal of any returning officer or deputy returning officer or assistant deputy returning officer to receive ballot papers tendered by duly qualified voters or to give ballot papers to duly qualified voters the judge may in his discretion order the costs of the proceedings to unseat the person declared elected or any part thereof or any other costs to be paid by such returning officer, deputy returning officer or assistant deputy returning officer. Liability of returning officer, etc.

(2) Nothing herein contained shall affect any right of action against a returning officer, deputy returning officer or assistant deputy returning officer or shall be deemed to relieve such returning officer, deputy returning officer or assistant deputy returning officer from any other penalty or punishment to which he may be liable.

Form and
effect of order

33. After the adjudication upon the case an order shall be drawn up in the usual manner which shall state concisely the ground and effect of the decision which order may be at any time amended by the judge in regard to any matter of form and the order shall have the same force and effect as a writ of *mandamus* formerly had in the like case.

Return

34. The judge shall immediately after his decision return his order with all things had before him touching the same to the proper office of the court in which the proceedings are intituled there to remain of record as a judgment of the court; and as occasion requires the judgment may be enforced in the same manner as an ordinary order of *mandamus* and (for the costs awarded) writs of execution.

Disclaimer
after motion

35. Any person whose election is complained of unless such election is complained of on the ground of corrupt practices on the part of such person or any person whose seat is attacked on the ground that he has become disqualified or has forfeited his seat may within one week after service on him of a notice of motion as aforesaid transmit postpaid through the post office directed to the clerk of the court and also to the relator or his solicitor, or he may cause to be delivered to the said clerk and to the relator or his solicitor a disclaimer signed by him in the form or to the effect following:

I, A.B., upon whom notice of motion in the nature of a *quo warranto* has been served for the purpose of contesting my right to the office of mayor (or reeve, overseer, alderman or councillor, as the case may be) of (name of municipality) do hereby disclaim the said office and all defence of any right I may have to the same.

Dated this..... day of....., 19....
(Signed) A.B.

Transmission

36. The disclaimer or the envelope containing the same shall be endorsed on the outside thereof with the word "disclaimer" and shall if sent through the post be registered at the post office where it is mailed.

Disclaimer
before motion

37. When there has been a contested election the person elected may at any time after the election and before his election is complained of deliver to the clerk of the municipality a disclaimer signed by him as follows:

I, A.B., do hereby disclaim all right to the office of mayor (or reeve, overseer, alderman or councillor, as the case may be) of (name of municipality) and all defence of any right I may have to the same.

Dated this..... day of....., 19....
(Signed) A.B.

38. A disclaimer filed under section 37 hereof shall relieve the person making it from all liability to costs and where disclaimer has been made in accordance with section 35 or 37 hereof it shall operate as a resignation and the vacancy so created shall be filled in the manner provided by the provisions of the law governing the municipality respecting the filling of vacancies in the council. ^{Effect of disclaimer}

39. Every person disclaiming under section 35 hereof shall deliver a duplicate of his disclaimer to the clerk of the municipality and the said clerk shall forthwith communicate the same to the council. ^{Transmission}

40. The decision of a judge shall be appealable to the Supreme Court *en banc* and the proceedings incident thereto shall be the same as nearly as may be as in the case of an appeal in other cases from a decision of a judge of the District Court. ^{Right of appeal}

41. The judges of the Supreme Court or such of them as may be authorized by *The Judicature Ordinance* to frame and promulgate rules of court may make rules for regulating the form of any writs, notices, orders or other proceedings to be issued, given or made under the provisions of this Act, and respecting the practice generally in hearing and determining the validity of such elections or the question of the right of any person to sit in a council, and may fix a tariff of costs to be taken thereon and may from time to time rescind, alter or add to such rules. ^{Judges given power to make rules}

42. On, from and after the passing of this Act the provisions of sections 54 to 82 inclusive of *The Municipal Ordinance* and any amendments thereto shall no longer apply to any municipality to which this Act applies, and the provisions of this Act shall be substituted therefor. ^{Certain sections of Municipal Ordinance not to apply}

43. The Lieutenant Governor in Council shall by proclamation published in *The Alberta Gazette* declare the day on and after which this Act shall become and be in force and the said Act shall on and after such day so declared become and be in force. ^{Commencement of Act}

PROCLAMATION.

Edmonton, Monday, November 18, 1912.

His Honour the Lieutenant Governor has been pleased to proclaim in accordance with the provisions of Section 43 of *The Controverted Municipal Elections Act* (being chapter 20 of the Statutes of Alberta 1911-12) that the said Act be in force on from and after the 20th day of November, 1912.

E. TROWBRIDGE,

Deputy Provincial Secretary.

(See *Alberta Gazette*, Vol. 8, No. 22, page 6.)

1911-12

CHAPTER 21.

An Act for Raising Money on the Credit of the General Revenue Fund of Alberta.

(Assented to December 20, 1911.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. It shall be lawful for the Lieutenant Governor in Council from time to time to authorize the Provincial Treasurer to raise by way of loan upon the credit of the province such sum or sums of money not to exceed in the whole Five Million Dollars, for all or any of the purposes following, that is to say:

- (a) For the extension of the Provincial Telephone system;
and
- (b) For the establishment and construction of trunk roads with necessary bridges thereon.

2. The aforesaid sums of money may be borrowed for any term or terms not exceeding fifty years at a rate not exceeding four per cent. per annum, and shall be raised upon the credit of the General Revenue Fund of Alberta, and shall be chargeable thereon.

1911-12

CHAPTER 22.

An Act to give effect to Certain Provisions of the Dominion Lands Surveys Act in relation to Property and Civil Rights in the Province of Alberta.

(Assented to February 16, 1912.)

WHEREAS by *The Dominion Lands Surveys Act*, being chapter 21 of the Statutes of Canada, 1908, provision is made for the re-survey of Dominion lands by Dominion land surveyors under the direction of the Surveyor General;

And whereas it is necessary for the proper carrying into effect of the provisions of the said Act in regard to re-survey that provision should be made for the re-survey by Dominion land surveyors under the direction of the Surveyor General of lands which were originally Dominion lands but have ceased or shall cease to be so;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. Sections 56, 58, and 60 to 67, inclusive, of *The Dominion Lands Surveys Act*, being chapter 21 of the Statutes of Canada, 1908, are in so far as it is within the competence of the Legislative Assembly of Alberta so to enact declared to apply and to have applied to all lands within the province, which were originally Dominion lands, within the meaning of *The Dominion Lands Surveys Act*, and which have been or shall hereafter be transferred or otherwise disposed of by His Majesty in the right of the Dominion of Canada to any person whatsoever, and to any rights which have been or shall hereafter be acquired, or which have been accrued or may accrue or which are accruing under such transfers or other dispositions of land, in the same manner as if the said sections had been enacted at the date of the coming into force of the said *Dominion Lands Surveys Act* by the Legislature of the Province of Alberta.

Section 56,
etc., *Dominion
Land Surveys
Act* made
applicable to
certain lands
in Alberta

1911-12

CHAPTER 23.

An Act to provide for the Early Closing of Shops.

(Assented to February 16, 1912.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Citation

1. This Act may be cited as "*The Early Closing Act.*"

Interpretation

2. In this Act, unless the context otherwise requires—

1. The expression "shop" shall mean any premises or place where retail trade, including the business of a barber, is carried on;

2. The expression "council" means the council of a city or of a town having a population of not less than 1,000;

3. "Closing by-law" means a by-law passed under the provisions of this Act;

4. "Closing hour" means the hour for the closing of shops, fixed by any such by-law.

**Council may
pass closing
law**

3. The council of any city or town whether incorporated by special Act or otherwise having a population of not less than one thousand inhabitants may in the manner provided by this Act fix the hours of the several days of the week at and after which, either throughout the whole area of the city or town, or in any specified part thereof, all shops or shops of any specified class are to be closed for serving customers.

Closing hour

4. The hour fixed by any such closing by-law shall not, except is hereinafter provided, be earlier than six o'clock in the evening on any day of the week:

Provided, however, that on any one specified day of the week such closing hour may be an hour not earlier than twelve o'clock noon.

**Business
elsewhere
than in shops**

5. A closing by-law may prohibit, either absolutely or subject to such exemptions and conditions as may be therein contained, the carrying on of any retail trade, or business, after the closing hour in any place not being a shop within the area of the city or town to which such by-law applies, if under the terms of said by-law, or any other by-law passed under the provisions of this Act, it would be unlawful at such time to keep a shop open for the purpose of carrying on of any such trade or business.

**Scope
of by-law**

6. Any such by-law may—

(a) Define the shops and trades to which it applies;

(b) Authorize sales after the closing hour in cases of emergency, and under such other conditions as the council may deem advisable.

7. A closing by-law shall not be deemed to apply to sales ^{By-law not to apply to fairs, etc.} made at any fair or exhibition lawfully held, or at a bazaar for charitable or church purposes, nor to any shop where the only trades or businesses carried on are one or more of the trades or businesses mentioned in the schedule hereto.

8. If several trades or businesses are carried on in the same shop, and if the closing by-law does not apply to any one or more of such trades or businesses, such shop may be, on such terms and conditions as may be specified in the closing by-law, kept open after the closing hour for the purposes of those trades and businesses only: ^{Several trades in one shop}

Provided that the terms and conditions of any closing by-law in regard to post office business shall be subject to the approval of the Postmaster General of the Dominion of Canada.

9. If a petition for a closing by-law is presented to the council, ^{Petition for by-law} signed by the occupiers of at least two-thirds in number, of the shops to be affected by the proposed by-law, the council shall give notice in the manner and form hereinafter prescribed of their intention to pass a closing by-law, specifying therein a period to be fixed, in the manner hereinafter prescribed, within which any objections to the petition upon the ground that it is insufficiently signed or otherwise affecting the validity or sufficiency thereof will be received; if there are no such objections, or if after hearing any such objections, the council deem them to be not well founded, such council shall forthwith pass a closing by-law.

10. No such by-law shall be effective until it has been approved ^{By-law to be approved by the Lieutenant Governor in Council} by the Lieutenant Governor in Council, and the Lieutenant Governor in Council may at any time order that any closing by-law, either wholly or in so far as it affects a particular class of shops or trades, shall be no longer in force, and from and after the making of such order such by-law shall either be wholly void and of no effect or cease to apply to such particular class of shops or trades, as the case may be.

11. If at any time it appears to the satisfaction of the council ^{Repeal of closing by-law} that the occupiers of a majority of any class of shops, to which a closing by-law applies, are opposed to the continuance of the by-law, such council shall repeal the by-law in so far as it affects that class of shops:

Provided, however, that any such repeal shall be without prejudice to the right of the council at any time to pass a new closing by-law in the manner herein provided affecting such class of shops.

12. Any person violating any of the provisions of a closing ^{Penalties} by-law shall be liable on summary conviction—

- (a) For a first offence, to a fine not exceeding \$5.00 and costs;
- (b) For a second offence, to a fine not exceeding \$25.00 and costs; and
- (c) For a third or subsequent offence, to a fine not exceeding \$100 and costs:

Provided that no person shall be deemed guilty of an offence against any closing by-law who serves after the closing hour any customer who was in the shop at such hour. 1913 (2nd Session), c. 2, s. 23.

Lieutenant
Governor in
Council may
make
regulations

13. The Lieutenant Governor in Council may from time to time make regulations for prescribing the form, in which and the period for which notice of the intention to pass any closing by-law must be given, the manner in which such notice shall be given, and the manner of ascertaining the opinion of occupiers of shops, and generally the means for carrying into effect the provisions of this Act.

SCHEDULE.

Post Office business.

The sale of medicines and medical and surgical appliances.

The sale of intoxicating liquors for consumption on or off the premises.

The sale of refreshments for consumption on the premises.

The sale of tobacco and other smokers' requisites.

The sale of newspapers.

The business carried on at a railway bookstall or at a railway refreshment room.

REGULATIONS.

Inserted for convenience only. Subject to change by Order-in-Council at any time.

March 15, 1912.

(1) Notice of the intention of the council to pass any closing by-law shall be published in the form hereinafter provided once a week for three consecutive weeks in at least one newspaper published in the municipality, or if there be no newspaper published in the municipality, in some newspaper having a circulation therein; and a printed copy of such notice shall also be posted up within five days after the publication of the first of such notices in at least five conspicuous places in the municipality, one of which shall be the post office.

(2) Any objections to the petition praying for the passing of such by-law on the ground that such petition is insufficiently signed or otherwise affecting the validity or sufficiency thereof shall be filed with the secretary-treasurer or clerk of the municipality, as the case may be, within thirty clear days from the date of the first publication of the notice aforesaid, which date shall be fixed by the notice as hereinafter provided.

(3) Such notice shall be in the following form:

Notice is hereby given that a petition has been presented to the council of the (*here insert city or town, as the case may be, of*.....) under the provisions of *The Early Closing Act* praying for the passing of the following closing by-law (*here insert proposed by-law*).

Notice is hereby further given that objections to the petition presented to the council praying for the passing of such by-law on the ground that such petition is insufficiently signed or otherwise affecting the validity or sufficiency thereof must be filed with (*here insert secretary-treasurer of the town or city clerk, as the case may be*) on or before the day of (*here insert date, thirty clear days after the first publication of notice of intention of the council to pass such by-law*); and that if no such objections are filed before the said date the council will forthwith proceed to pass the said closing by-law.

(4) The council of any municipality shall not repeal any closing by-law in so far as it affects any class of shops in pursuance of the powers conferred upon it by section 11 of *The Early Closing Act* unless and until a petition has been presented to such council signed by the majority of the occupiers of such class of shops praying for such repeal; the signatures to such petition and the fact that such signatures are those of the majority of the occupiers of such class of shops as aforesaid shall be verified by statutory declaration and by such other and further proof as the council may require. See *The Alberta Gazette*, Vol. 8, Page 179.

1911-12

CHAPTER 24.

An Act to regulate Pool Rooms.

(Assented to February 16, 1912.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Pool Room Act.*"

Citation

2. "Pool room" shall mean and include any room or rooms in any building, house, shed, tent or other place in which a billiard or pool table is set up for hire or gain, and it shall extend to and include any annex, addition, or extensions thereto, or outbuilding of which the owner or proprietor of a pool room is the owner, lessee, tenant, or occupant, or over which he has control. 1913 (1st Session), c. 9, s. 35.

Interpretation

(2) "Pool" means and includes "pool, billiard, bagatelle or other similar game."

"Proprietor or owner" means and includes any person who, as proprietor, owner, lessee, tenant or otherwise, carries on the business of a pool room or bowling alley, or who receives any gain or reward, either by himself or his servants or employees, or by any other person, accounting to him for the profits or earnings thereof, in whole or in part, and whether such person be separate from or connected with the premises. 1913 (1st Session), c. 9, s. 35.

2a. No proprietor or owner, as defined in this Act, not holding a license therefor under this Act, shall after the first day of July, 1913, open, keep open, or carry on a pool room or bowling alley in Alberta. 1913 (1st Session), c. 9, s. 35.

2b. All licenses to be granted under this Act shall be issued by the Attorney General, and the fees payable for a pool room license shall be \$10 for the first table, \$5 for the second table and \$2 for each additional table; and for a bowling alley \$10 for the first alley, \$5 for the second alley and \$2 for each additional alley. The license year shall be from the first day of July of one year to and inclusive of the 30th day of June of the following year, and the license shall be exposed conspicuously on an inner wall of the licensed premises. 1913 (1st Session), c. 9, s. 35; 1914, c. 22.

3. No person under the age of seventeen years shall play any games in any pool room, nor shall he frequent, enter, remain or loiter in any pool room, and if such person refuses to leave said premises when lawfully requested so to do he may be forcibly evicted therefrom.

Age limit

(2) No person under the age of seventeen years shall be employed in or about a pool room or bowling alley for any purpose. 1913 (1st Session), c. 9, s. 35.

Closing hour **4.** Every pool room shall be closed and remain closed from and after the hour of eleven o'clock on every Saturday night until the hour of eight o'clock on the Monday morning following, and on the other nights of the week from and after the hour of twelve o'clock at night until the hour of seven o'clock of the following morning, and during such prohibited hours no games of any kind shall be played therein: Provided that the council of any city, town, village or rural municipality may pass by-laws providing for the closing of pool rooms therein at an earlier hour than 11 o'clock and 12 o'clock as respectively mentioned in this section. 1913 (1st Session), c. 9, s. 35.

Drunkenness and swearing prohibited **5.** No drunken person shall enter or remain in any pool room, and no swearing, blasphemous, obscene or vulgar language shall be indulged in, uttered or spoken in any pool room.

Proprietor and servants liable **6.** The proprietor or owner of a pool room shall be responsible and liable for the acts of his servants, and the acts of the servants shall be deemed to be the acts of the owner or proprietor, and such servants, as well as the proprietor or owner, shall be liable to the penalties imposed by this Act for the same offence.

Penalties **7.** For every violation of section 4 of this Act the proprietor or owner of a pool room shall be liable on summary conviction to the following penalties:

1. For a first offence, to a fine of not more than \$50 and costs;
2. For a second or subsequent offence, to a fine of not less than \$20, nor more than \$100 and costs.

Other penalties **8.** Any person who violates any of the provisions of this Act for which punishment is not herein expressly imposed shall be liable on summary conviction to a penalty of not more than \$50 and costs. 1913 (1st Session), c. 9, s. 35.

Criminal Code applicable **9.** The provisions of part XV of chapter 146 of The Revised Statutes of Canada (*Criminal Code*) and any amendments thereto in reference to summary convictions shall be applicable to all prosecutions under this Act.

Application of penalties **10.** A moiety of every penalty shall belong to the municipality in which the offence was committed and the other moiety shall be paid to the Attorney General for the use of the province.

(2) If the offence was not committed in any municipality such penalty shall be paid to the Attorney General for the use of the province.

Certiorari taken away **11.** A conviction for any offence against this Act shall not be removed by *certiorari* or otherwise for any cause whatever into the Supreme Court.

Act to prevail in case of conflict **12.** Unless otherwise provided herein any by-law passed or regulation made by the council of any city, town, village or

municipality relating to any of the matters dealt with in this Act shall be subject to the provisions hereof. 1913 (1st Session), c. 9, s. 35.

13. The Lieutenant Governor in Council may, from time to time, make and alter regulations for the licensing, inspection, ^{Power to make regulations} good order and suppression of any pool room or bowling alley for which a license is required under this Act and for the revocation and cancellation of any license granted herein, and every pool room, whether a license has been issued therefor under this Act or not, shall be subject at all times to inspection by such officer as by the regulations aforesaid or by order in council may from time to time be authorized in that behalf. 1913 (1st Session), c. 9, s. 35.

REGULATIONS.

Inserted for convenience only. Subject to change at any time by Order in Council.

UNDER THE PROVISIONS OF SEC. 13.

No Indian is to be permitted to enter any pool room, billiard room or bowling alley in the Province of Alberta;

Any proprietor of such pool room, billiard room or bowling alley permitting an infringement of this regulation will be subject to the cancellation of his license. (See *The Alberta Gazette*, August 8, 1913, Vol. 9, page 636. O.C. 748-13.)

FEES.

The following fees are chargeable in connection with transfer of Pool Room Licenses, and the removal of Pool Rooms and Licenses, viz.:

(a) For the transfer of a license granted under the authority of "*An Act to Regulate Pool Rooms*," from the licensee or licensees to any other party or parties, a fee of three dollars (\$3.00).

(b) For the permission of the Department to remove premises covered by license under "*An Act to Regulate Pool Rooms*," to premises other than as described in the license, a fee of three dollars (\$3.00). (O.C. 233-15).

1911-12

CHAPTER 25.

An Act to regulate Theatres, Entertainment Halls and Cinematographs.

(Assented to February 16, 1912.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Citation

1. This Act may be cited as "*The Theatres Act.*"

Regulations
for safety of
theatres

2. The Lieutenant Governor in Council shall have power from time to time to make regulations, the same or different for different localities, governing the erection, operation and safety of all classes of theatres and entertainment halls, and to provide for the supervision and inspection of same.

Regulations
governing
operation of
cinematograph

3. The Lieutenant Governor in Council shall have power to make regulations for—

- (a) Licensing, controlling and governing the use and operation of cinematographs, moving picture machines or similar apparatus;
- (b) Regulating or prohibiting the exchange, leasing, sale or exhibition of films;
- (c) Licensing, controlling and governing the operation of film exchanges.

License fee

4. The owner, user or exhibitor of every cinematograph, moving picture machine, or other similar apparatus, the owner, lessee, or manager of every film exchange and the person operating such cinematograph, moving picture machine or other similar apparatus shall each pay in advance to the Provincial Secretary an annual license fee, the amount of which may from time to time be fixed by the Lieutenant Governor in Council.

Censor or
board of
censors

5. The Lieutenant Governor in Council may appoint a censor or board of censors, of not more than three persons, and fix his or their remuneration, and such censor or board of censors shall hold office during pleasure, and shall have power to permit the exhibition of, or absolutely to prohibit or reject any or all films which it is proposed to use in the Province of Alberta, and to suspend for cause the license of any operator or other licensee.

Appeal from
censor or
board of
censors

(2) There shall be an appeal from the censor or board of censors to the person, body or court designated and subject to the conditions prescribed by regulation of the Lieutenant Governor in Council.

Films to be
stamped by
censor or
board of
censors

6. No cinematograph, moving picture machine, or other similar apparatus shall exhibit any films which have not been

stamped by the censor or board of censors, and no such cinematograph, moving picture machine or other similar apparatus shall be kept or exhibited for entertainment until the owner, user or exhibitor of such apparatus has complied with the regulations made by the Lieutenant Governor in Council, and obtained a license from the Provincial Secretary:

Provided that the provisions of this section shall not come into effect until the appointment of the said censor or board of censors as herein provided.

7. All films passed or permitted to be exhibited by the said censor or board of censors shall be stamped in such manner that ^{Stamps to show on canvas} the stamp will show upon the canvas, and no exhibition of such stamped film shall be prohibited by any police officer, or constable, or other person, on account of anything contained in such film.

7a. A certificate containing the name of the film, the name of the maker, the exchange and license number, shall be issued by the Provincial Secretary in respect of all films passed or permitted by the censor or board of censors to be exhibited and such certificate shall be displayed in the box office of the theatre in in such a manner as to be subject to the observation of all persons entering the theatre and no exhibition of a film for which such certificate has been issued and displayed as aforesaid shall be prohibited by any police officer, constable or any such person on account of anything contained in such film. 1915, c. 2, s. 14.

8. Any person in charge of such cinematograph, moving picture machine or other similar apparatus, or the owner, proprietor, manager or person having control thereof, who uses any such machine for public entertainment without having complied with, or in violation of the regulations passed by the Lieutenant Governor in Council, or without having therefor a license from the Provincial Secretary, or who exhibits films not approved by the censor or board of censors, as required by this Act, shall be guilty of an offence against this Act. ^{Offences}

9. Any person violating any of the provisions of this Act, or any of the regulations of the Lieutenant Governor in Council passed hereunder, shall, on summary conviction, be liable to a fine of not less than \$50 nor more than \$200 with costs, and to a further fine of \$25 per diem during the time after conviction during which such offence continues, and in default of immediate payment thereof to imprisonment for a period not exceeding three months. ^{Penalties}

10. All members of the Royal North-West Mounted Police and all persons who may be appointed provincial constables are hereby empowered and directed at any time to inspect any cinematograph, moving picture machine, or other similar apparatus which is used or kept on premises licensed under this Act; and to enforce the provisions of this Act and the regulations passed hereunder. ^{Inspection by R.N.W.M.P.}

Duty of chief constable

11. In cities, towns and incorporated villages, it shall also be the duty of the chief constable, or chief of police, to enforce the provisions of this Act and the regulations passed hereunder.

Application of penalties

12. All penalties recovered under this Act shall be paid to the Treasurer of the Province of Alberta for the use of said province.

Regulations

13. The Lieutenant Governor in Council shall have power to make such regulations as may be deemed necessary, advisable or convenient for the purpose of carrying into effect the provisions of this Act.

Commencement of Act

14. The Lieutenant Governor in Council shall by proclamation published in *The Alberta Gazette* declare the day on and after which this Act shall become and be in force and the said Act shall on and after such day so declared become and be in force.

PROCLAMATION.

Edmonton, Wednesday, February 12, 1913.

Pursuant to Section 14 of *The Theatres Act*, being chapter 25 of the Statutes of the Province of Alberta 1911-12, His Honour the Lieutenant Governor has been pleased to proclaim that said Act be in force on, from and after the Twelfth day of February, 1913. (See *The Alberta Gazette*, February 12, 1913, extra).

REGULATIONS.

Inserted for convenience only. Subject to change at any time by Order in Council.

REGULATIONS AND LICENSE FEES UNDER THE THEATRES ACT.

(Proclaimed in *The Alberta Gazette*, Dec. 31, 1914, p. 1087.)

Edmonton, Thursday, December 24, 1914.

Pursuant to the provisions of *The Theatres Act*, being chapter 25 of the Statutes of Alberta, 1911-12, His Honour the Lieutenant Governor, by and with the advice and consent of the Executive Council, has been pleased to order that the following Regulations and License Fees be made and fixed to take effect on, from and after January 1st, 1915.

1. Every film exchange, and every owner, user, exhibitor, operator and apprentice to an operator of a cinematograph, moving picture machine, or other similar apparatus, shall obtain a license and observe the following regulations.

2. Every owner, user or exhibitor of every cinematograph, moving picture machine, or other similar apparatus shall pay an annual license fee in advance as follows:

(a) In every incorporated city—

- (i) Where the seating capacity does not exceed five hundred.....\$100
- (ii) Where the seating capacity exceeds five hundred but does not exceed one thousand.....\$200
- (iii) Where the seating capacity exceeds one thousand but does not exceed fifteen hundred.....\$300
- (iv) Where the seating capacity exceeds fifteen hundred.....\$400
- (v) In an incorporated town.....\$ 40
- (vi) In an incorporated village or other place.....\$ 25

3. Every owner, user or exhibitor of every cinematograph, moving picture machine or other similar apparatus, displaying or showing a single film as a number of a performance and when no other film is exhibited or shown during a performance, shall pay an annual license fee in advance as follows:

- (a) In cities\$100
 (b) In towns.....\$ 40
 (c) In other places.....\$ 25
 4. Every itinerant exhibitor of every cinematograph, moving picture machine or other similar apparatus shall pay in advance an annual license fee of.....\$ 50

5. Every owner, lessee or manager, of every film exchange shall pay in advance an annual license fee of.....\$250

6. Every person operating such cinematograph, moving picture machine or other similar apparatus shall pay in advance an annual license fee of.....\$ 10
 (a) Apprentices.....\$ 5

7. (a) For any license issued after July 1st, and before September 1st, in any year, one-half the said fees shall be paid, except in the case where the theatre was in actual operation before a license was granted, in which case the full annual fee shall be paid.

(b) For any license issued after September 1st in any year, one-third of the license shall be paid, except in the case where the theatre was in actual operation prior to the issuing of such license, in which case the Provincial Secretary shall determine the proportion of the fee to be paid.

(c) For exhibitor's licenses for religious and charitable organizations, and other bodies of such character, the fee shall be determined by the Provincial Secretary.

(d) All persons other than those who pay licenses for film exchanges, sending in films for censorship, shall pay \$5.00 for each film censored; provided, however, that the Provincial Secretary may issue special permits in the case of religious or charitable bodies under clause (c) of these regulations.

8. The words "Film Exchange" shall be deemed to mean every person, corporation or firm renting, leasing or selling moving picture or cinematograph films to any proprietor or lessee of any cinematograph or moving picture theatre or agreeing or contracting respecting cinematograph or moving pictures theatre with respect to giving exhibitions of cinematograph or moving pictures in such theatres, and any such film exchange lending its license for the purpose of assisting any person to have films censored shall be guilty of an offence under these regulations.

9. In addition to license fees payable under these regulations, there shall be paid to the board of censors the sum of \$1.00 for each reel of film examined. No reel to exceed 1,100 feet of film, and for each additional 100 feet of film on any one reel, there shall be charged the sum of 15c.

10. All holders of films requiring duplicates of the permits or certificates of approval of the board of censors, in consequence of the original or former certificates having been destroyed or lost, shall pay 50c. for each such duplicate issued.

11. In cases of an appeal for re-censorship of a film, the board of censors may, at its discretion, charge the sum of \$5.00 for re-censoring any reel that is appealed.

12. User's or exhibitor's licenses shall be constantly exhibited in the operating cabinet of the theatre licensed.

13. Film exchange, exhibitor's or operator's licenses shall be produced on demand for inspection to any municipal, or provincial police officer, or to any inspector appointed under the provisions of the Act, or of these regulations.

14. Operator's, exhibitor's or film exchange licenses shall be assigned or transferred only on written consent of the Provincial Secretary or Deputy Provincial Secretary, and such transfer shall be endorsed on such license. For transfer of license a fee of \$5.00 shall be paid to the Provincial Secretary.

15. All licenses shall be issued subject to the condition that no exhibition shall be permitted on the Lord's Day, except in connection with religious services, and only then with written permission of the Honourable the Attorney General.

(a) No picture of an immoral or obscene nature, or picture depicting crime or depicting a prize fight of a brutalizing nature, shall be shown or exhibited. 1915, April 21.

16. No moving picture machine or other such device shall at any time be operated in any building or enclosure, nor shall the public be admitted to the audience room in which such moving picture exhibition is to be given, until the installation of such machine or device, and the arrangements of such audience room and its accessories have been made fully to conform to all the provisions and requirements of these regulations, nor until after approval by an inspector appointed under the Act, by the chief of the local fire department, or an officer of the Royal North-West Mounted Police.

17. (a) Shall be lined throughout with two-ply of 14 lb. asbestos paper and covered with metal;

(b) Shall have the door opening outwards, with a check spring and no lock;

(c) Shall be equipped with an automatic cut-off;

(d) Shall have all openings other than the door, provided with automatic self-closing shutters hung with fusible links, or inflammable thread;

(e) Must be of easy access;

(f) Shall have such floor space as is directed by the inspector:

(Provided, however, that any other fire-proof cabinet, that passes the inspection of the inspector appointed under the Act, or the chief of the local fire department of the municipality, be used).

18. Portable cabinets shall not be used in any theatre or public hall in which a permanent cabinet is installed, but shall be used only for the temporary exhibition of moving pictures in places of assemblage such as halls, churches, schools, etc., where it is deemed impracticable to install permanent cabinets made in accordance with the above specifications.

19. Cabinets may be made of the folding type, so constructed that when assembled it will be rigid and all joints tight, so that flames cannot pass through them. It may be made of asbestos, tent cloth of weight and texture approved by the board of censors, over angle iron with at least four inch flaps at all joints, shall have asbestos carpet projecting at least four inches beyond the sides of the cabinet on all sides.

20. All cabinets shall be kept clean and free of all articles not required for operating a cinematograph or similar machine.

21. The arc lamp used in a moving picture machine shall be constructed and installed as follows:

(a) Substantially constructed entirely of metal, except where the use of approved insulating material is necessary;

(b) Designed so as to provide for proper ventilation, and prevent sparks from being emitted from the lamp when in operation;

(c) With mica frame insulation;

(d) Self-closing doors shall be provided on side and rear of lamp enclosure, observation ports not larger than two inches square may be provided when closed with glass;

(e) Controlled by a double switch pole, within easy reach of the operator;

(f) Conductors supplying current to lamp shall not be used smaller than No. 6 B. & S. gauge, or its equivalent. Stranded conductors provided with approved lugs shall be used between lamps and permanent wiring. A fireproof insulation shall be used on conductors inside lamp and those connected to the arc lamp and resistance. Conductors passing through case of lamp shall be protected with approved bushings;

(g) Resistance box shall be kept not less than two feet from any combustible material and the machine, or shall be separated from them by a slab of marble or slate, and in no case shall it be kept on the floor of the booth, but elevated at least 18 inches above the floor. The resistance box shall be surrounded with a substantially attached metal guard having a mesh not larger than one-half inch, which guard is to be kept at least one inch from the outside frame to the rheostat.

22. If limelight or other gaseous illuminant be used in the cinematograph lamp, the gas cylinders shall be tested up to 600 lbs. to the square inch.

23. All machines shall be firmly set on iron or sheet iron covered stands, and shall be equipped with fireproof magazines, automatic fire shutters with proper rheostats and shall be worked by hand except with a permit from the Provincial Secretary, upon the recommendation of the inspector appointed under the provisions of the Act. Electric motors may be used for operating only on such machines as are especially fitted and approved for such use, in accordance with the following requirements:

(a) The crank handle of the machine shall be removed and the motor shall be securely attached to the machine support, be satisfactorily enclosed, and shall be separately fused and placed below the bottom line of lamp house.

(b) Electric current to operate both arc light and motor shall be controlled by one switch; an additional switch to control current to motor shall be installed.

(c) Both switches and starting box shall be placed on the operating side of the machine, and at least one foot back from a perpendicular line of film exposure.

(d) All electrical devices shall be securely mounted on incombustible supports, and shall be enclosed to the satisfaction of the inspector appointed under the Act, and the chief of the local fire department. In all other respects the machine must be installed to the satisfaction of the inspector.

24. All films shall be kept in a closed metal box, and all films being rewound in the operating cabinet, shall be transferred from one spindle to another in a metal re-winding box.

25. Two fire extinguishers in good working order of carbonic acid gas, or any other pattern approved by the inspector appointed under the Act and the chief of the local fire department, and a pail of sand and a shovel shall be kept continuously in the operating cabinet.

26. Every operator shall be of the full age of 18 years. He shall examine his machine and lamp connections daily, and must devote his whole attention to the machine while operating. He shall not permit any person to enter or remain in the cabinet during any performance, excepting a provincial or municipal police officer, the manager, the local fire chief or the inspector appointed under the provisions of the Act, and such municipal officer as is designated by the council, or an apprentice as hereinafter provided in these regulations. No operator shall be permitted to operate a moving picture machine while under the influence of liquor, and any operator operating a machine in violation of any of these regulations shall be held guilty of an offence under the Act, and any exhibitor permitting any operator to operate a moving picture, cinematograph or similar machine while the said operator is under the influence of liquor, shall be guilty of an offence against the Act.

27. Every licensed operator may be accompanied in the cabinet by an apprentice. No such apprentice shall operate any moving picture machine or cinematograph except in the presence of a licensed operator, and any exhibitor, operator or user within the meaning of these regulations, who permits any apprentice to operate any moving picture machine, cinematograph or other similar apparatus, except under the foregoing conditions, shall be guilty of an offence within the meaning of the Act.

28. (a) An applicant for a moving picture operator's license shall have served as an apprentice to an operator for a length of time sufficient to satisfy the inspector; and shall submit to an examination by the inspector, who shall endeavour by observation as well as questioning to ascertain the candidate's competency by testing his practical knowledge of the following subjects:

- (1) The handling of the lamp, appliances and wiring;
- (2) Wire sizes and insulations;
- (3) Testing for electrical defects in lamp and wiring;
- (4) General precautions to be observed in operating moving picture apparatus and its connections;
- (5) The use of the various safety appliances, mechanical and electrical.

(b) No candidate who fails to pass an examination will be re-examined within one month of such examinations.

(c) A certificate will be issued as promptly as practicable to each person who shall have passed the prescribed examination.

(d) The Provincial Secretary shall have the right to revoke or suspend any license for any of the following causes:

- (1) Failure to produce, on demand by a proper official, operator's certificate where moving picture apparatus is being exhibited;
- (2) Smoking, or permitted smoking in the booth at any time;
- (3) Reading while operating the machine or having reading matter other than licenses and regulations in the operating cabinet;
- (4) Permitting any unlicensed person, other than the manager, or an authorized official or apprentice to be in or remain in the booth while an audience is in the building;
- (5) Having any film or section of film in the booth at any time, other than the one film in process of transfer to or from machine or from upper to lower magazine;
- (6) Allowing films to be rewound in booth while machine is being operated;
- (7) Over-fusing or making improper electrical connections;
- (8) Lending a certificate to any other person to enable the latter to operate;
- (9) Failing to test apparatus and connections prior to each performance;
- (10) Operating a defective machine;
- (11) Maintaining a dirty booth;
- (12) Latching a door on inside, removing handle from outside of door, or otherwise delaying access of authorized person;
- (13) Failing to report promptly to the chief censor the occurrence of any film fire, and the apparent cause thereof;
- (14) Exhibiting pictures that have not passed the Board of Censors of Alberta;
- (15) Failure to display permits for pictures on exhibition in theatre;

- (16) Keeping a dirty or unsanitary place;
- (17) Exhibiting a condemned picture;
- (18) Permitting the blocking of aisles by any reason;
- (19) Allowing loose, idle or disorderly persons to be about the premises;
- (20) Allowing children of school age unaccompanied by parents to frequent the theatre during school hours;
- (21) Exhibiting films on the Lord's Day;
- (22) Employing of unlicensed operators;
- (23) For violation of any of the clauses of *The Theatres Act*, or regulations passed thereunder.

(e) Any operator, who shall operate or cause to be operated a machine that is not installed in accordance with the regulations, shall be deemed to have violated them.

29. The Alberta Board of Censors shall examine all films to be exhibited in the Province of Alberta, and all film exchanges shall submit all films to the board to be examined. The board shall not censor any film submitted by any film exchange until the fees applying to film exchanges have been paid, and the producing upon demand by the board of censors, of the exchange license. The authorization of the board of censors for the exhibition of any film, shall be provided for in such manner as may be determined by the board of censors, and when so authorized, it shall not be necessary that the stamp shall show upon the canvas, screen, or other substitution therefor. There shall be placed in a conspicuous place at the main entrance of the building where films are exhibited a certificate or permit (for each reel of film exhibited) signed by the chief censor of the province. Any film which is exhibited without being first censored, and without the authorization certificate being publicly displayed, as aforesaid, shall be liable to seizure by any police officer or the inspectors appointed under the Act, and any film so seized shall be forfeited to the Crown and shall be disposed of as directed by the Provincial Secretary.

30. The board of censors may examine any slide used for projected illustration by means of any lantern or machine in connection with any lecture or entertainment, and shall be empowered to deal with such slide or series of slides upon examination in the same manner as if it or they were a film within the meaning of the Act or these regulations. It shall not be required that the board shall attach any stamp to any such slide, but may authorize exhibition by the issuing of a certificate signed by the chief censor. A charge of 4 cents for each slide shall be made, and any slide exhibited after having been condemned by the board, shall be liable to seizure and forfeiture, and the exhibitor thereof shall be guilty of an offence within the meaning of the Act and these regulations.

31. An appeal from the board of censors may be made to a special board to be named by the Provincial Secretary. Application for such appeal shall be made to the chief censor, and such application shall set forth therein the reason for such appeal, and the decision rendered on the appeal by the said board shall be final. Re-censorship asked for by the board of censors shall be charged for as per section 11 of these regulations.

32. Any films exhibited as having been authorized by the board of censors, which have not been passed by the said board, shall be liable to seizure and forfeiture, and the owner or film exchange renting or lending such film, shall be guilty of an offence within the meaning of the Act.

33. The inspectors appointed under the Act, shall have power to seize and confiscate any films sent out for exhibition without first having passed censorship, but in lieu of confiscation, the Provincial Secretary may impose a fine not exceeding \$25.00 for each reel of 1,100 feet or under of film.

34. (a) It shall be the duty of all municipal, provincial police officers and officers of the Royal North-West Mounted Police to examine the license of any person using or operating a cinematograph or moving picture machine or similar apparatus and to prosecute users, exhibitors, operators, apprentices or assistants who are unlicensed for the violation of *The Theatres Act* or of these regulations, and any holder of a moving picture machine license who employs any unlicensed operator shall be guilty of an offence within the meaning of the Act.

(b) It shall be the duty of officers under this Act to enforce the provisions of the Act and regulations, and they are hereby empowered and directed to prohibit the use of any moving picture machine installed or operated in violation of the provisions of these regulations and it shall be his duty to prosecute any proprietor or manager, or other representative in control of any room or building to which the public is admitted, and in which an exhibition of one or more moving picture machines is to be or is given, contrary to these regulations.

(c) The officers empowered under the Act are hereby empowered to enter and inspect any room, compartment, booth, or audience room in which a moving picture machine is installed, or in which an exhibition of a moving picture machine is being given, or is intended to be given, and any person interfering with said officers or other authorized official, while in the performance of his duty, shall be deemed to have violated these regulations.

(d) The proprietor, or in his absence the manager or other representative in control of any room or building to which the public is admitted, and in which an exhibition of one or more moving picture machines is being given, shall be held responsible for full compliance with these regulations before it is opened to the public.

35. All exits shall be marked with the word "EXIT" in letters not less than six inches long, and lighted by a red light on a different system from the main lighting of the building, such lights shall be kept lighted during the whole of the performance; and

36. There shall be a white light of two candle power for each fifty square feet of floor space in the auditorium of any moving picture or cinematograph theatre, such lights to be placed at equal distance around the walls or ceiling of the auditorium, and to be kept lighted during the whole performance.

37. All doors shall open outwards, and shall not be locked during a performance.

38. The operating cabinet shall occupy a position which does not interfere with any aisle or passageway.

39. All halls, aisles, passageways, emergency exits, stairways or approaches shall be kept free and unobstructed, and the public shall not be permitted to stand in any aisle or approach thereto or at any place where it would hinder the entrance or egress of the public. Where the seating capacity is three hundred or less, the aisle space running from the front to the rear of the auditorium shall not be less than four feet wide in the clear; over three hundred and under five hundred seating capacity, four feet in the clear, and no single aisles shall be less than three and a half feet wide, and all moving picture or cinematograph theatres seating more than five hundred persons on the ground floor, must have at least two aisles running from the front to the rear of the auditorium, each four feet wide, or a total aisle space of not less than eight feet, with no single aisles less than three feet six inches wide, and all aisles excepting cross aisles shall run from the front to the rear of the auditorium. All moving picture or cinematograph theatres must have cross aisles from the aisles running from the front to the rear of the auditorium to all exits, and such cross aisles must be three and a half feet wide. Where chairs are used they must be battened together, and fastened either to the floor, or in such manner as to prevent them from being upset. The entrance from the street line to the auditorium shall be of such a width as may be determined by the inspector as reasonable, and shall be kept free and unobstructed. Suitable emergency exits situated at the side or rear of each moving picture theatre shall be provided, and remain unfastened during the whole time when the public is inside the building.

40. When the theatre first floor is above the street line with stairway entrance, the said stairway shall be of such width as may be determined by the inspector as reasonable, with substantial hand-rail on both sides, or in the centre from landings to street line, and all side exits from first floor above street line, or balconies to an open court or lane, shall be provided with stairways of not less than three feet six inches in width in the clear to extend to the ground level, with substantial hand-rail. All such staircases, landings, and hand-rails of fire exits shall be constructed of steel or iron throughout, to be of ample strength to sustain the load to be carried. All outside balconies and stairs shall be kept free of obstructions of all kinds, including snow and ice.

41. The preceding section shall apply only to municipalities where there are no by-laws covering exit requirements.

41a. It shall be considered an offence under these regulations to admit to any performance any child of school age during school hours unless accompanied by parent or guardian. 1915, April 21. (See *The Alberta Gazette*, 1915, Vol. 11, page 264.)

42. The holder of any license who violates any of these regulations or is guilty of an offence against the Act, shall be liable, in addition to all other penalties, to the forfeiture of his license by the Provincial Secretary.

43. A copy of these regulations shall be displayed in the operating cabinet of all moving picture theatres.

44. The words "the Act" in the preceding regulations shall mean "*The Theatres Act*" of the Province of Alberta.

45. All moving picture regulations except those set forth above and contained in the Order in Council, dated October 29, 1913, and numbered 972-13, are repealed.

(See *The Alberta Gazette*, Vol. 10, page 1087. O.C. 1182-14. O.C. 422-15.)

CLERK OF EXECUTIVE COUNCIL.

1911-12

CHAPTER 26.

An Act to regulate the Means of Egress from Public Buildings.

(Assented to February 16, 1912.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. In all churches, halls, theatres, or other buildings heretofore or hereafter constructed or used for holding public meetings or for places of public resort or amusement, and in all school houses or buildings used for school purposes, all the outer doors and those leading from the assembly hall or room or school rooms shall be so hinged that they may open freely outwards, and all the gates of outer fences, if not so hinged, shall be kept open by proper fastenings during the time such buildings are publicly used, to facilitate the egress of people in case of alarm from fire or other cause:

Doors of churches, etc., to open outwards

Provided that as to churches, halls, theatres, school houses or other buildings heretofore constructed this section shall not come into force until the first day of July, 1912.

2. Any person owning, possessing or managing any church, hall, theatre, school house, or other building used for school purposes or for holding public meetings, which does not conform to the provisions of this Act, or any of them, or to any regulations made hereunder, shall be liable on summary conviction to a fine of not more than \$50.00; one moiety of such fine shall be paid to the party laying the information and the other moiety to the Provincial Treasurer.

Penalties

(2) Any person convicted of any offence under the provision of this section shall be liable to a further fine of \$5 for every week following the date of the conviction during which the church, hall, theatre, school house or other building used for school purposes or for holding public meetings as aforesaid does not conform to the provisions of this Act or any of them or to any regulations made hereunder.

3. Congregations and societies possessing corporate powers and all school trustees, incumbents, church wardens and other persons owning or having charge of any church, school, or building used as a church or school, as trustee for such societies, congregations or schools, shall be severally liable for any violation of the provisions of this Act, or of any regulations made hereunder.

Who liable for neglecting provisions of Act

Regulations

4. The Lieutenant Governor in Council may from time to time make such regulations as may be deemed proper for the enforcement of this Act and for the regulating and governing of persons assembled in any of the buildings mentioned in section 1 hereof, and shall have every such power as is necessary to carry into effect the provisions of this Act.

NOTE.—Chapters 27 to 80 inclusive of 1911-12 are Private Acts.

1913

(FIRST SESSION)

CHAPTER 1.

An Act for granting to His Majesty Certain Sums of Money for the Public Service of the Fiscal Years ending respectively the Thirty-first day of December, 1912, and the Thirty-first day of December, 1913.

(Assented to March 25, 1913.)

Most Gracious Sovereign:

WHEREAS it appears by Messages from His Honour George Hedley Vicars Bulyea, Lieutenant Governor of the Province of Alberta, and the Estimates accompanying the said Messages, that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Alberta not otherwise provided for during the financial periods ending respectively the Thirty-first day of December, one thousand nine hundred and twelve, and the Thirty-first day of December, one thousand nine hundred and thirteen, and for other purposes relating thereto: May it therefore please Your Majesty that it may be enacted and be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Assembly of the Province of Alberta as follows:

1. This Act may be cited as "*The Appropriation Act, 1913.*"

2. From and out of the General Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred and sixty-six thousand three hundred and ninety-one dollars and six cents towards defraying the several charges and expenses of the Public Service from the first day of January to the thirty-first day of December in the year of our Lord one thousand nine hundred and twelve not otherwise provided for and set forth in schedule A to this Act.

3. From and out of the General Revenue Fund there may be paid and applied a sum not exceeding in the whole nine million five hundred and fifty-five thousand six hundred and nine dollars and no cents towards defraying the several charges and expenses of the Public Service from the first day of January to the thirty-first day of December in the year of our Lord one thousand nine hundred and thirteen not otherwise provided for and set forth in schedule B. to this Act.

4. The due application of all moneys expended under this Act shall be accounted for.

SCHEDULE A.

Sums granted to His Majesty by this Act for the fiscal year ending December 31, 1912, and the purposes for which they are granted:

CIVIL GOVERNMENT—		
Executive Council.....	\$13,283.88	
Treasury Department.....	1,575.57	
Agriculture Department.....	2,441.21	
Education Department.....	5,642.14	
Railways and Telephones Department.....	1,402.85	
Government Printer's Office.....	121.61	
		\$24,467.26
ADMINISTRATION OF JUSTICE.....		48,860.95
PUBLIC WORKS: Chargeable to Income.....		30,165.79
HOSPITALS, CHARITIES AND PUBLIC HEALTH.....		37,189.98
PUBLIC INSTITUTIONS.....		15,757.18
MISCELLANEOUS.....		9,949.90
		<hr/> \$166,391.06

SCHEDULE B.

Sums granted to His Majesty by this Act for the fiscal year ending December 31, 1913, and the purposes for which they are granted:

I.		
PUBLIC DEBT.....	\$565,000.00	
II.		
CIVIL GOVERNMENT—		
Lieutenant Governor's Office.....	\$ 2,700.00	
Executive Council.....	56,420.00	
Attorney General's Department.....	34,240.00	
Provincial Secretary's Department.....	16,160.00	
Municipal Affairs Department.....	64,380.00	
Treasury Department.....	23,800.00	
Auditor's Office.....	26,164.00	
Public Works Department.....	69,740.00	
Education Department.....	38,060.00	
Agriculture Department.....	31,200.00	
Railways and Telephones Department.....	11,200.00	
Government Printer's Office.....	11,900.00	
		<hr/> \$385,964.00
III.		
LEGISLATION.....	88,580.00	
IV.		
ADMINISTRATION OF JUSTICE.....	652,960.00	
V.		
PUBLIC WORKS—		
Chargeable to Income.....	535,500.00	
Chargeable to Capital.....		2,439,415.00
VI.		
EDUCATION.....	726,990.00	
VII.		
AGRICULTURE AND STATISTICS—		
Chargeable to Income.....	528,700.00	
Chargeable to Capital.....		41,000.00
VIII.		
HOSPITALS, CHARITIES AND PUBLIC HEALTH.....	134,000.00	

IX.

TELEPHONES—

Chargeable to Income.....	\$750,000.00	
Chargeable to Capital.....		\$2,000,000.00

X.

PUBLIC INSTITUTIONS	200,000.00
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XI.

MISCELLANEOUS.....	507,500.00	
	<hr/>	<hr/>
	\$5,075,194.00	\$4,480,415.00

1913

(FIRST SESSION)

CHAPTER 2.**An Act to amend the Act respecting the Legislative
Assembly of Alberta.***(Consolidated in Chapter 2, 1909.)*

1913
(FIRST SESSION)

CHAPTER 3.

**An Act to Provide for the Initiation or Approval of
Legislation by the Electors.**

(Assented to March 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Alberta, enacts
as follows:

- | | |
|---|---|
| Title | 1. This Act may be cited as " <i>The Direct Legislation Act.</i> " |
| Interpretation | 2. In this Act unless the context otherwise requires, the expression—
1. "Electoral division" means any electoral division in the province entitled to return a member or members to the Legislative Assembly;
2. "Electors" means all persons whose names appear on the list of electors which would be used at the time of holding of the vote at a general election of members to serve in the Legislative Assembly were such election being then held. |
| Legislature
may delay
coming into
force for
90 days | 3. The Legislature, with reference to any Act, may declare that it shall not come into force until the ninetieth day after the close of the session during which the same is passed. |
| Referendum
petition | 4. Any number of electors being not less than ten per centum in number of the total votes polled at the general provincial election then last held, may address a petition to the Lieutenant Governor in Council (provided that the said petition must be signed by a number of electors in eighty-five per centum of the electoral divisions in the province equal in number in each electoral division to at least 8 per centum of the votes polled in said electoral division at the election then last held for the purpose of electing a member of the Legislative Assembly), praying that any Act or any part or parts of the said Act, the operation of which is deferred under the provisions of section 3 hereof be referred to a vote of the electors. Such petition shall be presented to the clerk of the Executive Council before the ninetieth day after the close of the session of the Legislature at which said Act was passed. 1913 (2nd Session), c. 2, s. 25. |
| Operation of
Act stayed
90 days | 5. When any such petition is presented under the provisions of section 4 hereof the operation of the Act therein referred to shall be and is hereby further deferred until a vote of the electors is taken thereon and the result of such vote finally determined as hereinafter provided. |

6. Any number of electors being not less than 20 per centum in number of the total votes polled at the general provincial election then last held may present to the Legislative Assembly, at any time before the expiration of the time for the presenting of petitions to the Legislative Assembly, a petition praying that a proposed Act, a copy of which shall accompany the said petition, be enacted by the Legislature: ^{Initiative petition}

Provided that the said petition must be signed by a number of electors in eighty-five per centum of the electoral divisions in the province equal in number in each electoral division to at least 8 per centum of the votes polled in said electoral division at the election then last held for the purpose of electing a member of the Legislative Assembly:

Provided however that no such proposed Act shall be considered by the Legislative Assembly which provides for any grant or charge upon the public revenue or which is not certified to by the Attorney General as being in his opinion within the legislative jurisdiction of the Legislature of Alberta. 1913 (2nd Session), c. 2, s. 25.

7. Every proposed Act presented to the Legislative Assembly under the provisions of section 6 hereof and which complies with all the requirements of the said section shall, unless it is enacted during the session at which it is presented without amendment or with only such amendments as shall be certified to by the Speaker as not constituting a substantial alteration therein, or as not changing the meaning, intent or effect thereof, be submitted to a vote of the electors as hereinafter provided. ^{Proposed Act as substantially altered by Legislative Assembly must be submitted to electors}

8. The Lieutenant Governor in Council shall after each session of the Legislature issue a writ for the taking of a vote upon all Acts or proposed Acts or part or parts of any Act, if any, upon which a vote may be required under any provision of this Act; such writ shall be in form A in the schedule hereto or to the like effect and shall issue not earlier than three months and not later than ten months after the close of the said session, and the date fixed therein for the taking of the vote shall be not less than twenty-three days and not more than twenty-seven days after the date of the writ, and the said writ shall be returned upon such date as shall be stated therein. 1913 (2nd Session) c. 2, s. 25. ^{Lieutenant-Governor to issue writ to take vote}

9. The writ shall be addressed and forwarded by mail by the clerk of the Executive Council to the returning officer appointed by the Lieutenant Governor in Council for each electoral division. ^{Writ addressed to Returning Officer of each E. D.}

10. Where a vote under the provisions of this Act is provided to be held upon the same day as the polling in a general election of members to serve in the Legislative Assembly, the returning officers, deputy returning officers, poll clerks and other officials appointed for the purposes of the said general election shall act in the same capacity for the purposes of the vote taken under this Act, and the same ballot boxes and polling booths shall be used for the purposes of the said vote as are used for the said election. ^{Officers appointed for general election purposes to act in certain cases}

Provided however that in every such case the ballots for the said vote shall be of a colour different from the ballots of the said election.

Publication
of Act and
notice of
writ

11. The clerk of the Executive Council shall forthwith upon the issue of such writ publish in *The Alberta Gazette* a notice of the same and a copy of the Act or parts of Acts upon which the vote is to be taken.

12. The clerk of the Executive Council shall forthwith after the issue of the said writ cause to be posted up in every post office in the province a notice of the taking of the vote giving a description of the Act or Acts or parts thereof or of the proposed Act or Acts to be voted upon.

*The Alberta
Election Act*
to apply.

13. For the purposes of the taking of the said vote all the provisions of *The Alberta Election Act* respecting the election of members of the Legislative Assembly, including the qualification of voters shall subject to the provisions of this Act and of any regulations that may be made by the Lieutenant Governor in Council pursuant hereto apply *mutatis mutandis* to the conduct of such proceedings.

Vote by
ballot

14. The voting shall be by ballot and each voter shall indicate his vote by marking it on the ballot in accordance with the directions given therein:

Provided that when more than one Act or proposed Act is being voted upon, a separate ballot shall be prepared for each said Act or proposed Act.

Ballot as
in form "B"

15. The ballot shall be in form B in the schedule hereto, with such variations as are necessary. 1913 (2nd Session), c. 2, s. 25.

Ballots
shall be
prepared by
Government
Printer

16. The ballots shall be prepared by the Government Printer and shall be forwarded to the returning officers in sufficient number for each electoral division by the clerk of the Executive Council together with such forms, notices and instructions as the Lieutenant Governor in Council may prescribe.

Appointment
of agents

17. Every returning officer shall in respect of each Act or proposed Act to be voted upon by writing under his hand, appoint from among the applicants for such appointment or on behalf of persons applying to have such appointments made, two agents to attend at each polling station and to act as scrutineers at the final summing up of the votes on behalf of those desirous of obtaining an affirmative answer to the question and two agents to so attend on behalf of those desirous of obtaining a negative answer, but no such agents shall be entitled to any remuneration from the public treasury.

Agent
shall make
declaration

(2) Before any person so appointed enters upon his duties as agent, he shall make and subscribe before the returning officer or any deputy returning officer, a declaration to the effect that he is interested in and desirous of obtaining an affirmative or negative answer, as the case may be, to the question, which declaration may be in the form C in the schedule to this Act.

(3) Every person so appointed, before being admitted to the polling station, or to the final summing up of the votes, as the case may be, shall produce to the deputy returning officer his written appointment.
Agent shall produce appointment

(4) In case no person has been appointed as aforesaid to attend at any polling station, or at the final summing up of the votes, or in the absence of any person so appointed, any electors not exceeding two in the same interest, may upon making and subscribing a declaration to the above effect before the deputy returning officer or the returning officer, as the case may be, be admitted to the polling station or to the final summing up of the votes, as agents on behalf of that interest.
In absence of agents, electors may act

(5) Whenever it is provided in *The Alberta Election Act* that anything may or shall be done in the presence of or by the candidate or his agent, such provision shall, as applied to proceedings under this Act, be taken to refer to agents appointed in the manner aforesaid.
The Alberta Election Act applied

18. At the close of the poll the deputy returning officer, in the presence of such agents as attend, shall with reference to each Act or part of an Act, count the ballots, placing them in three parcels, namely: affirmative ballots, negative ballots and rejected ballots; shall give to one agent representing the affirmative and to one agent representing the negative a statement showing the number of affirmative and negative votes respectively and the number of rejected ballots; shall seal the three parcels and forthwith forward or deliver to the returning officer the three parcels and also all unused ballot papers and a statement of the result of the poll.
At close of poll, Deputy Returning Officer shall count ballots

19. A ballot shall be rejected in each of the following cases:
Definition of rejected ballots

- (a) If it is not authenticated by the initials of the deputy returning officer, unless the said deputy has inadvertently omitted to initial the same;
- (b) If it is not marked with a cross;
- (c) If it has more than one cross; or any other mark in addition to a cross by which he thinks it was intended to be identified.

20. Each returning officer after he has received from each deputy returning officer a statement showing the voting on the ballots taken from the ballot box opened by him, shall endorse on the writ a statement certifying in relation to the votes given at the polling places in or for his electoral division upon each Act or proposed Act voted upon:
Returning Officer shall endorse on writ result of poll in his E. D. and transmit to clerk of Executive Council

- (a) The number of votes in the affirmative;
- (b) The number of votes in the negative; and
- (c) The number of ballots rejected;

and shall within ten days after the holding of the vote transmit the writ as endorsed together with all sealed parcels of ballots and unused ballot papers to the clerk of the Executive Council.

21. The clerk of the Executive Council shall prepare from the returns endorsed on the writ so returned to him, a statement of the number of votes in the affirmative, of the number of votes in the negative, and of the number of ballots rejected
Clerk of Executive Council shall make and publish statement of vote

and shall sign the statement and shall publish a copy of the same in *The Alberta Gazette* within thirty days after the taking of the vote and the statement so published shall be conclusive evidence of the result of the vote, unless a scrutiny or recount is demanded.

Elector
may demand
recount or
scrutiny

22. Any elector may within ten days from the date of the publication in the Gazette of the said statement by the said clerk obtain an appointment from any judge of the Supreme Court for a recount or scrutiny or both of the whole vote in the province; provided he, within said ten days, deposit with the said clerk the sum of \$100.00, to be applied in payment of the expenses of such recount or scrutiny or both. In case no regulations are made under section 25 as to such recount or scrutiny the said judge shall give all necessary directions and shall conduct said scrutiny or recount or both, and shall certify the result to the said clerk and such certificate shall be conclusive evidence as to the result. 1913 (2nd Session), c. 2, s. 25.

Proclamation
by Lieutenant
Governor

23. In the case of every Act or part thereof voted upon under the provisions of section 5 hereof and decided in the affirmative, the Lieutenant Governor in Council may provide by proclamation the date from and after which the said Act or part thereof shall come into force; and any such Act or part thereof decided in the negative shall not come into force and shall be repealed and removed from the statutes of the province at the next ensuing session of the Legislature.

As to a
proposed Act,
if vote is in
affirmative,
Legislature
shall pass;
If negative,
no further
petition for
three years

24. In the case of every proposed Act voted upon under the provisions of section 7 hereof and decided in the affirmative, the said proposed Act shall be enacted by the Legislature at its next session without amendment, save such amendments as may be certified to by the Speaker as not constituting a substantial alteration therein, or as not changing the meaning, effect or intent thereof, and notwithstanding the provisions of section 3 hereof shall come into force upon receiving the Royal assent and in the case of every such proposed Act decided in the negative, no petition praying for the enactment of the same proposed Act or one which is certified to by the Speaker as being substantially similar thereto shall be presented to the Legislative Assembly for a period of three years after the taking of the said vote.

Lieutenant-
Governor
may make
regulations

25. The Lieutenant Governor in Council may make regulations not inconsistent with this Act for the proper carrying out of its provisions and particularly for regulating the procedure prior to, at, and after the said voting, the advertising of the taking of the said vote, the publication and dissemination of literature pertaining to the matters voted upon and such other matters as may be deemed advisable; and the procedure as to a recount or scrutiny.

FORM A.

WRIT OF REFERENDUM.

Province of Alberta.

George the Fifth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, etc.

To.....of.....
in the Province of Alberta, and to all others whom it may concern:

Greeting:

We command you that you cause the Act or Acts or parts of Acts or the proposed Act or Acts (copies of which are attached hereto) to be submitted according to law to the electors qualified to vote for the election of a member of the Legislative Assembly for the electoral division of.....
And we appoint the following dates for the purposes of the said submission:

1. For taking the votes of the electors.....the
.....day of....., 19.....
2. For the return of the writ on or before.....the
.....day of....., 19.....

In testimony whereof, we have caused these our letters to be made patent, and the Great Seal of our said Province of Alberta to be hereunder affixed.

Witness our trusty and well-beloved.....Lieutenant Governor (or administrator) of our Province of Alberta, at our City of Edmonton, the.....day of.....in the.....
year of our reign, and in the year of our Lord 19.....

(By Order),

.....
Clerk of the Executive Council.

FORM B.

The Province of Alberta.

THE DIRECT LEGISLATION ACT.

Submission of a proposed Act (or an Act or part of an Act as the case may be) entitled (*here insert title*) to electors.

Direction of voters: The voter shall indicate his vote as follows:

If he approves of the proposed Act (or of the Act, or part of said Act, as the case may be) he shall make a cross in the square opposite the word "Yes".

If he does not approve of the proposed Act (or of the Act or part of Act, as the case may be) he shall make a cross in the square opposite the word "No".

BALLOT.

Question: Do you approve of the proposed Act (or do you approve of the Act or part of the Act, as the case may be), (*here set out the title of the proposed Act or the title of the Act or part of said Act, as the case may be*).

☐

YES

☐

NO

FORM C.

In the Matter of The Direct Legislation Act.

I,....., do solemnly declare that I am interested
in and desirous of obtaining an affirmative (or a negative, as the case may be)
answer to the question stated in the ballot paper.

Solemnly declared at..... }
this..... day of..... }
19..... Before me..... }

*Returning Officer or Deputy Returning Officer (as the case
may be).*

1913
(FIRST SESSION)

CHAPTER 4.

An Act respecting Mines.

(Assented to March 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Mines Act*." Short title

APPLICATION.

2. This Act shall apply to mines of coal, stratified iron-stone, Application
shale, clay and other minerals.

3. If any question arises (other than in legal proceedings) Dispute to
as to whether a mine is a mine to which this Act applies, the application
question shall be referred to the Minister, whose decision thereon determined
by Minister
shall be final.

INTERPRETATIONS.

4. In this Act and in any regulations made thereunder, unless Interpretation
the context otherwise requires—

(a) "Mine" means a mine to which this Act applies, and Mine
includes every shaft in the course of being sunk and every level
and inclined plane in the course of being driven for commencing
or opening any mine, or for searching for or proving any minerals,
or for the operation of same and all the shafts, levels, planes,
workings, machinery, tramways, railways, and sidings, both
below ground and above ground in and adjacent to a mine, and
any such shaft, level and inclined plane of and belonging to
the mine;

(b) "Shaft" means a vertical opening through the strata Shaft
that is or may be used for the purpose of ventilation or drainage
or for the ingress or egress of persons, animals or materials to
or from a mine or any part thereof;

(c) "Inclined plane" includes a slope, and means an incline Inclined plane
or opening driven on an angle through the strata and which
is or may be used for the same purposes as a shaft;

(d) "Tunnel or level" means an excavation in the earth or Tunnel or
strata driven horizontally or at such an inclination as may be level
necessary for drainage, ventilation or haulage purposes or which
is or may be used for the ingress or egress of persons, animals
or materials to or from a mine or any part thereof;

Outlet

(e) "Outlet" includes any shaft, inclined plane, tunnel, level or any other means of ingress or egress to or from a mine;

Plan

(f) "Plan" includes a map and section or a correct copy or tracing of any original plan as so defined;

Minister

(g) "Minister" means the Minister of Public Works for the province;

Chief Inspector

(h) "Chief Inspector" means the Chief Inspector of Mines appointed under this Act;

District Inspector

(i) "District Inspector" means a District Inspector of Mines appointed under this Act;

Inspector

(j) "Inspector" means the Chief Inspector of Mines or a District Inspector of Mines appointed under this Act;

Owner

(k) "Owner" when used in relation to any mine, means any person or body corporate who is the immediate proprietor or lessee, or occupier of any mine or of any part thereof and does not include a person or body corporate who merely receives a royalty or rent from a mine or is merely the proprietor of a mine subject to any lease, grant or license for the working thereof, or is merely the owner of the soil and not interested in the minerals of the mine; but any contractor for the working of any mine or part thereof shall be subject to this Act in like manner as if he were an owner, but so as not to exempt the owner from liability;

Agent

(l) "Agent" means any person having on behalf of the owner, the care or direction of any mine or part thereof;

Manager

(m) "Manager" means the chief officer having the control and daily supervision of any mine;

Overman

(n) "Overman" means any person in charge of any mine or any portion of a mine next in authority to the manager;

Examiner

(o) "Examiner" means an examiner as provided for under this Act;

Shot-lighter

(p) "Shot-lighter" means a shot-lighter as provided for under this Act;

Board

(q) "Board" means a board of examiners as provided for under this Act;

Workman

(r) "Workman" means for the purpose of sections 9, 10, 11 and 12, any person employed in a mine below ground who is not an official of the mine or a furnace man, fan man, cager or onsetter, horse keeper or pumpman; and any body of workmen whose hours for beginning and terminating work in the mine are approximately the same shall be deemed to be a shift of workmen;

Supreme Court

(s) The "Supreme Court" means the Supreme Court of Alberta.

EMPLOYMENT OF PERSONS.

Register of employees

5. The owner, agent or manager of every mine to which this Act applies shall keep in the office at the mine a book (the form of which shall be prescribed by the Minister) in which shall be entered the name, age, residence and date of first employment of every person employed in connection with the mine and such book shall be produced to an inspector for inspection by him when demanded.

Employment of boys women and girls

6. No boy under the age of sixteen years shall be permitted or allowed to work in any mine below ground.

(2) Where there is a shaft, an inclined plane or level in any mine whether for the purpose of entrance to same or for communication from one part to another part of same and persons are taken up or down or along such shaft, plane or level by means of an engine, windlass or gin, driven or worked by steam, manual labour or other power, no person shall have or be allowed to have charge of such engine, windlass or gin or any part of the machinery, ropes, chains or tackle connected therewith unless he is a male person of at least eighteen years of age:

Provided that when the engine, windlass or gin is worked by a horse, mule or other animal, the person under whose direction the driver of such animal acts, shall, for the purpose of this subsection, be deemed to be the person in charge of such engine, windlass or gin, but such driver shall not be under sixteen years of age.

(3) No boy under the age of fourteen years shall be employed or permitted to work in or about any mine above ground, and no boy under the age of sixteen years and over the age of fourteen years shall be employed or permitted to work in or about any mine above ground unless he is able to read and write and is familiar with the rules of arithmetic, and furnishes a certificate to that effect from a duly qualified school teacher in this province actually engaged as such at the time of granting such certificate.

(4) No woman or girl of any age shall be employed or permitted to work in or about any mine above or below ground.

(5) Nothing however contained in this section shall prevent any person from working in an office above ground connected with any mine.

7. Every such school teacher shall, without payment of any fee, upon application by any boy, examine him and grant such certificate if he is found to be entitled to the same. Teacher required to grant certificate

8. If any boy has been employed on the representation of his parent or guardian, that he was of the proper age under this Act, the owner, agent or manager shall, notwithstanding that such boy was not of the proper age, be exempt from liability in respect of such employment; but the parent or guardian who made such misrepresentation shall be guilty of an offence against this Act. Misrepresentation of age by parent or guardian

9. Subject to the provisions of this Act, a workman shall not be below ground in a mine for the purpose of his work or of going to or from his work, or be allowed to be below ground for that purpose, for more than eight hours during any consecutive twenty-four hours. Time persons may be employed below ground

(2) It shall not be deemed to be a contravention of this section if—

- (a) The period between the times at which the first workman in a shift leaves the surface and the first workman in the shift returns to the surface, and the period between the times at which the last workman in the shift leaves the surface and the last workman in the shift returns to the surface, do not exceed the time fixed by this section; or

- (b) A workman is below ground for the purpose of rendering assistance in the event of accident, or for meeting any danger, or for dealing with any emergency or exceptional work which requires to be dealt with without interruption in order to avoid serious interference with ordinary work in the mine.

(3) The owner, agent or manager of every mine shall fix for each shift of workmen in the mine, the times at which the lowering of workmen to the mine is to commence and to be completed, and the times at which the raising of workmen from the mine is to commence and to be completed and the same shall be fixed in such manner that every workman shall have an opportunity of returning to the surface without contravention of the foregoing provisions of this section, and shall post at the pit-head, a conspicuous notice of the times so fixed, and shall make all arrangements necessary for the observance of those times in lowering and raising the workmen.

(4) The interval between the times fixed for the commencement and for the completion of the lowering and raising of each shift of workmen to and from the mine shall not exceed the time reasonably required for the purpose and the same shall be approved by the Chief Inspector.

(5) A repairing shift of workmen may, notwithstanding the provisions of this section, for the purpose of avoiding work on Sunday, commence their period of work on Saturday before twenty-four hours have elapsed since the commencement of their last period of work so long as at least eight hours have elapsed since the termination thereof.

(6) In the event of any contravention of this section no person shall be deemed to be guilty of an offence if he can prove that he has taken all reasonable means to prevent same.

Register of
times of
lowering and
raising persons

10. The owner, agent or manager of every mine shall appoint a person or persons to direct at the pit-head the lowering and raising of workmen to and from the mine, and shall cause a book (the form of which shall be prescribed by the Minister) to be kept, in which shall be entered the times at which workmen are lowered into and raised from the mine, and the cases in which any workman is below ground for more than the time fixed by this Act and the cause thereof.

(2) The workmen in a mine may, at their own cost, appoint and station one or more persons whether holding the office of check-weigher or not, to be at the pit-head at all times when workmen are to be lowered or raised, for the purposes of observing the times of lowering and raising, and the provisions of this Act relating to the appointment of the check-weigher, and to the relations of the owner, agent or manager of the mine to the check-weigher, shall apply to any person appointed under this subsection.

(3) No person shall wilfully make a false entry in the said book which is to be kept under this section, nor wilfully cause nor wilfully permit any such false entry to be made.

Power to
suspend
provisions of
Act relating
to time of
employment
below ground

11. The Lieutenant Governor in Council may, in the event of great emergency, or of any grave economic disturbance due to the demand for coal exceeding the supply available at the

time, suspend the operation of this Act so far as it relates to the limiting of hours of work below ground to such extent and for such period as may be named in the order either in respect to all mines or any class of mines.

12. In the application of this Act to mines which are entered otherwise than by shafts, and to workmen who are not lowered to or raised from the mine by means of machinery, the words "the admission of workmen to the mine" shall be substituted for the words "the lowering of workmen to the mine," and the words "the return of workmen from the mine," shall be substituted for the words "the raising of workmen from the mine" and the times fixed by the owner, agent or manager of the mine, under section 9 hereof shall be substituted for the times so fixed under this section.

Application to
mines entered
otherwise
than by shaft

SINGLE OUTLETS.

13. The owner, agent or manager of a mine shall not employ any person therein, nor permit any person to be therein for the purpose of employment unless the following conditions respecting outlets to the surface are complied with, that is to say:

Prohibition
of single
outlets

(2) Every seam which is for the time being at work shall have at least two outlets to afford proper means of egress available to the persons employed in such seam.

(3) Such outlets shall not at any point be nearer to one another than one hundred feet and there shall be between such outlets a communication not less than four feet wide and four feet high:

Provided, however, that nothing in this subsection shall apply to mines in operation before the first day of March, 1908, which have outlets not at any point nearer to one another than forty-five feet.

(4) Proper apparatus or ladders for the descent and ascent of persons at such outlets shall be kept on the works belonging to the mine and such apparatus or ladders shall be constantly available for use:

(5) Every part of a mine in which ten or more persons are employed at the same time, shall be provided with at least two ways affording proper egress to the surface; but this provision shall not apply when the same is exempt by written order of the Minister.

(6) The Supreme Court or any judge thereof, whether any other proceedings have been taken or not, may upon the application of the Attorney General prohibit by injunction the working of any mine in which any person is employed or is permitted to be for the purpose of employment, in contravention of this section and may award such costs in the matter of the injunction as the court or judge thinks just; but this provision shall be without prejudice to any other remedy permitted by law for enforcing the provisions of this Act.

(7) Written notice of the intention to apply for such injunction in respect to any mine shall be given to the owner, agent or manager of the mine, not less than ten days before the application is made.

Agreements
not to
preclude
compliance
with Act

14. No person shall be precluded by any agreement from doing such acts as are necessary for providing a second outlet to a mine, where the same is required by this Act, or be liable under any contract to any penalty or forfeiture for doing such acts as are necessary to comply with the provisions of this Act with respect to outlets.

Exceptions
to provisions
respecting
outlets

15. The foregoing provisions of this Act with respect to outlets shall not apply to—

- (a) A new mine or seam being opened;
 - (b) Any working for the purpose of making a communication between two or more outlets;
 - (c) Any working for the purpose of searching for or proving minerals; so long as not more than twenty persons are employed below ground at any one time in the whole of the different seams in connection with a single outlet.
- (2) Any proved mine which is exempt by order of the Minister on the ground either—
- (a) That the quantity of mineral proved is not sufficient to repay the outlay which would be occasioned by sinking or making a second outlet, or by establishing communication with a second outlet in any case where such communication existed and has become unavailable; or
 - (b) That the workings of any seam of the mine have reached the boundary of the property or the extremity of the mineral field of which that seam is a part, and that it is expedient to work away the pillars already formed in course of ordinary working notwithstanding that one of the outlets may be cut off by so working away the pillars of the same; and so long as not more than twenty persons are employed underground at any one time in the whole of the different seams in connection with a single outlet.
- (3) Any mine while an outlet is being made therefrom or where one of the outlets of which has become by reason of some accident unavailable for the use of the persons employed in the mine so long as the mine is exempt by order of the Minister.

BOARD OF EXAMINERS.

Districts

16. For the purposes of this and the next succeeding section, the province shall be divided into districts, the number and limits of which shall be fixed and defined from time to time by the Minister.

Appointment
of Board

17. For the purpose of granting certificates under this Act, the Lieutenant Governor in Council may appoint a District Board of Examiners for each district, or a Provincial Board having jurisdiction over all said districts.

(2) Such District Board shall consist of—

- (a) The Chief Inspector or a District Inspector appointed by him;
- (b) One manager;
- (c) One working miner.

(3) If a Provincial Board is appointed under this section it shall consist of—

- (a) The Chief Inspector, or a District Inspector appointed by him;
- (b) Two managers;
- (c) Two working miners;

and when said Provincial Board is appointed the functions and duties of the District Boards shall cease.

(4) The board shall conduct all examinations for the granting of certificates.

18. Each Board of Examiners shall prepare rules for its ^{Rules} guidance under this Act and may from time to time amend or revoke same for the conduct of such examinations and for determining the qualifications of all applicants, so, however, that in every such examination, regard shall be made to such knowledge as is necessary for the practical working of mines in the province and for the determination of the qualifications of applicants for certificates and shall do such other things as are necessary for the proper discharge of their duties under this Act.

(2) Such rules or regulations and all amendments thereto shall, before coming into force, be approved by the Minister.

(3) The Lieutenant Governor in Council may at any time alter or revoke any rules or regulations made by the Board of Examiners.

19. The fees and travelling expenses to be paid to the District ^{Fees and} Boards or to the Provincial Board and the fees to be paid by ^{expenses how} applicants for certificates, may be determined by the Lieutenant ^{determined} Governor in Council.

20. In no case shall a certificate be granted to any applicant until he has satisfied the Board of Examiners as follows: ^{Applicant}

(2) If an applicant for a manager's certificate, that he has had at least five years' practical experience in a coal mine, either in Canada or partly in Canada and partly elsewhere, or is the holder of a diploma in scientific and mining training after a course of study of at least two years at an educational institute approved by the Minister, or has taken a degree in scientific and mining subjects at a university so approved, together with three years' practical experience in a coal mine part of which has been in Canada, and that he is at least twenty-five years of age, and throughout this Act such certificate may be referred to as a first-class certificate. ^{eligible for}

(3) If an applicant for an overman's certificate, that he has had at least three years' practical experience in a coal mine and is at least twenty-five years of age, and throughout this Act such certificate may be referred to as a second-class certificate.

(4) If an applicant for an examiner's certificate, that he has had at least three years' practical experience in a coal mine and is at least twenty-three years of age, and throughout this Act such certificate may be referred to as a third-class certificate.

(5) In addition thereto, every applicant mentioned in this section shall produce to the board, satisfactory evidence of sobriety, experience and general good conduct, and shall produce a certificate from a duly qualified medical practitioner, or from a recognized ambulance society showing that he has taken a course in ambulance work fitting him to give first aid to persons injured in or about a mine.

Result of
examination

21. All examination papers shall be set, prescribed and examined by such person or persons as the Minister may appoint or nominate; and such person or persons shall submit to the board the results of said examinations together with the papers so examined and the successful applicants shall be recommended by the board to the Minister for certificates under this Act.

Issue of
certificates

(2) The Chief Inspector shall sign and deliver to every successful applicant the certificate to which he may be entitled.

(3) The Chief Inspector may sign and deliver a certificate without examination to an applicant who is the holder of a certificate granted in this or any other country, if the board reports that the standard of training and examination required for the granting of such certificate is equivalent to that required for the granting of a corresponding certificate under this Act.

Nature of
examinations

22. The qualifications of applicants for second and third class certificates shall be of a standard suitable for practical working miners; examinations for second class certificates shall be partly written and partly oral and examinations for third class certificates shall be oral:

Provided, however, that each applicant shall satisfy the board that he is able to read and write in the English language.

Register of
holders of
certificates

23. A register of the holders of certificates shall be kept by such person and in such manner as the Minister may direct.

Fees

24. The Chief Inspector shall make a return and transmit to the Minister all fees collected by him.

CERTIFICATED PERSONS.

Manager

25. No person shall act or be permitted to act as manager in any mine unless he is the holder of a first class certificate, granted under this Act.

Overman

26. No person shall act or be permitted to act as overman in any mine unless he is the holder of a first or second class certificate granted under this Act, or unless he is the holder of a provisional certificate granted by the Chief Inspector authorizing him to act in such capacity for a period not more than sixty days after the next examination is held for the district in which the mine is situated and for which the provisional certificate is granted.

Examiner or
shot-lighter

27. No person shall act or be permitted to act as examiner or shot-lighter in any mine where locked safety lamps are required to be used unless he is the holder of a certificate granted

under this Act, or unless he is the holder of a provisional certificate granted by the Chief Inspector authorizing him to act in such capacity for a period not more than sixty days after the next examination is held for the district in which the mine is situated and for which the provisional certificate is granted.

28. Any person who has been granted a provisional certificate authorizing him to act as overman at any mine operated under this Act shall not be granted a renewal of such certificate nor shall he be granted a second provisional certificate.

(2) The Chief Inspector may, however, grant a provisional certificate for the period mentioned therein to any person who has had at least five years' practical experience authorizing him to act as overman in any mine.

29. Every mine shall be under the control and supervision of one manager who shall hold a first class certificate under this Act and who shall examine and initial at the mine all report books at least once in every ten days and the owner or agent of every mine shall nominate himself or some other person to be manager thereof, and shall within thirty days after such nomination is made, send written notice to the Minister and to the District Inspector of the name and address of such manager and the number of his certificate. Manager to be appointed

(2) The underground workings of every mine shall be under the daily charge of an overman holding a first or second class certificate under this Act. Overman to be appointed

(3) No mine shall be worked for more than thirty days without the appointment of a manager as provided in subsection 1 of this section, but such owner or agent shall not be guilty of an offence if he can prove that he has taken all reasonable means to appoint a manager under said subsection.

(4) If for a reasonable cause there is for the time being no manager of a mine qualified as required by this section, the owner or agent of such mine may, subject to the written approval of the Chief Inspector appoint any person holding a second class certificate under this Act to be manager for a period not exceeding thirty days or such longer period as elapses before such person has an opportunity of obtaining by examination a first class certificate under this Act, and the said owner or agent shall immediately send to the Minister and to the District Inspector a written notice of the name and address of such overman and the reason for such appointment.

(5) A mine in which less than thirty persons are employed underground shall be exempt from the provisions of this Act in so far as it relates to the appointment of a manager, unless the Chief Inspector, by notice in writing served on the owner or agent requires the same to be under the control of a manager; but the operations underground shall be under the daily charge of a person holding a second class certificate under this Act unless permission is given by the Minister that the operations underground may be under the daily charge of a competent person known to the Chief Inspector.

(6) Any person employed as an overman under this Act shall devote his whole time to the supervision of the mine or part thereof and the fulfilling of his statutory duties but nothing in

this section shall be taken to mean that he cannot do such acts as are necessary for the safety of the mine or of the persons employed therein.

(7) After the first day of January, 1914, no person who is manager of a mine shall, without the approval in writing of the Chief Inspector, be manager of any other mine required to be under the control of a manager unless all said mines are within a distance of ten miles of the mine for which he was first appointed.

(8) When any person is appointed to be manager of two or more mines required to be under the control of a manager, there shall be an overman appointed at each mine.

Inquiry into
cases of
incompetency

30. If at any time complaint is made to the Minister that any person holding a certificate under this Act is by reason of incompetency or gross negligence unfit to discharge his duty or has been convicted of an offence against this Act, the Minister may make inquiry touching the said complaint and for the purposes thereof, the following provisions shall have effect:

1. The inquiry shall be public and shall be held at such place as the Minister directs.

2. The Minister shall, before commencing the inquiry furnish the person against whom the complaint is made with a statement of same and such person may attend the inquiry or be represented thereat by agent or solicitor, and he may, if desired, be sworn and examined as a witness in the case.

3. The Minister shall have power to cancel or suspend the certificate of the person against whom said complaint is made if he finds that he is by reason of incompetency or gross negligence or of his having been convicted of an offence against this Act unfit to discharge his duty.

4. The Minister may require the person against whom the complaint has been made to deliver up his certificate to the Minister; the Minister may hold said certificate until the conclusion of the inquiry and he may then either return, cancel or suspend the same.

5. The Minister may also by summons under his hand require the attendance of any person or persons and examine them for the purpose of the inquiry, and every person so summoned shall be allowed such fees as are allowed to a witness attending on a subpoena in proceedings before the Supreme Court.

6. The Minister may make such order, as he may think fit, respecting the costs and expenses of the inquiry and such order shall, on the application of any person entitled to the benefit of the same, be enforced by any court of summary jurisdiction as if such costs and expenses were a penalty imposed by such court.

Record of
cancellation

31. When a certificate is cancelled or suspended in pursuance of this Act, the Minister shall cause such cancellation or suspension to be recorded in the register of holders of certificates.

Restoration
of certificate

32. The Minister may, in his discretion at any time, renew, revive or restore on such terms as he may think fit, any certificate which has been cancelled or suspended in pursuance of this Act.

33. Whenever any person proves to the satisfaction of the Minister that he has, without fault on his part, lost or been deprived of any certificate previously granted to him, the Minister may cause a duplicate of the certificate to which the applicant appears by the register to be entitled, to be made out and certified by the person who keeps the register and delivered to the applicant; and every copy which purports to be so made and certified shall have all the effect of the original certificate. Loss of certificate

PAYMENT OF WAGES.

34. No wages shall be paid to any person employed in or about any mine, at, or within any hotel or place where any spirituous or fermented liquor is authorized to be sold or in any house of entertainment, office, garden or place belonging thereto or connected therewith. Where wages cannot be paid

(2) All wages earned by any person or persons employed in or about a mine from the first day to the fifteenth day of each month, both days inclusive, shall be paid on the first Saturday of the following month, and all wages earned from the sixteenth day to the last day of each month, both days inclusive, shall be paid on the third Saturday of the following month:

Provided, however, that if the said first or third Saturday of any month is a holiday the wages payable on such Saturday shall be paid on the Friday next preceding such Saturday.

35. When the amount of wages paid to any of the persons employed in a mine depends on the amount of mineral gotten by them, such persons shall be paid according to the weight or measurement of the mineral gotten by them and such mineral shall be truly weighed accordingly at a place as near to the mine entrance as is reasonably practicable or measured at the working face. How wages are to be determined

(2) Nothing in this section shall preclude the owner, agent or manager of any mine from agreeing with the persons so employed and paid that deductions shall be made in respect of stones or material other than mineral contracted to be gotten which are sent out of the mine with the mineral contracted to be gotten, or in respect to any tubs or cars being improperly filled in those cases where they are filled by the getter of the mineral, or by the loader, or by any person immediately employed by him, and no such deductions shall be made until such agreement is made in writing on behalf of both parties.

(3) If such deductions are not mutually agreed upon, they shall be determined as follows:

- (a) In any special manner agreed upon between the owner, agent or manager of the mine on the one hand, and the persons so employed and paid on the other; or
- (b) By some person appointed for that purpose by the owner, agent or manager and by a person appointed by such employees who may be the check-weigher if any check-weigher has been appointed as in this Act provided; or

- (c) If the persons appointed under the preceding subsection fail to agree, then by a third person to be chosen by the persons so appointed and if they cannot agree upon such appointment then by some person appointed by the Minister.

(4) If any owner, agent or manager, or the persons so employed in any mine, fail to appoint a person to agree upon such deduction, a person may be appointed on his or their behalf by the Minister.

CHECK-WEIGHER.

Appointment
of check-
weigher

36. The persons who are employed in a mine and are paid according to the weight of the mineral gotten by them may, at their own cost, appoint a person (in this Act called a "check-weigher") who is resident in the province and station him at the place appointed for the weighing of such mineral in order to take an account of the weight thereof on behalf of the persons by whom he is so stationed. The check-weigher must be a practical working miner of at least three years' experience and may be appointed by the aforesaid persons employed from time to time in the mine.

(2) A check-weigher shall have every facility afforded him by the owner, agent or manager to take correct account of the weighing for the persons by whom he is so stationed, including facilities for examining and testing the weighing machine and checking the taring of the tubs and boxes when necessary; and also for counting boxes and tallies in order that the number of boxes, weights or quantities credited to each person may be ascertained, and also including a shelter from the weather and a desk or table at which to write, all to be furnished by the owner, agent or manager, and he shall have access to all parts of the mine and bankhead necessary for the fulfilment of his duties.

Interference
of check-
weigher

37. The check-weigher shall not in any way impede or interrupt the working of the mine or interfere with the working of the mine or interfere with the weighing, his duty being to take such account as aforesaid only, and the absence of the check-weigher shall not be a reason for interrupting or delaying such weighing.

Payment of
check-
weigher

38. When a check-weigher has been appointed by the persons employed in a mine who are paid according to the weight of mineral gotten out by them and has acted as such, he may recover from any person for the time being employed at such mine and so paid, his proportion of the check-weigher's wages or recompense, notwithstanding that any of the persons by whom the check-weigher was appointed have left the mine or others have entered the same since the check-weigher's appointment, any rule of law or equity to the contrary notwithstanding.

(2) Whenever a majority of the miners who are employed in a mine to which this Act applies who have engaged a check-weigher shall request in writing of the owner, agent or manager, that the wages of such check-weigher be paid direct from the offices of the mine, the said owner, agent or manager shall withhold from the wages due the miners aforesaid, a *pro rata*

amount sufficient from time to time to meet the wages due the check-weigher, and shall pay the same to him in a like manner as the wages of the said miners are paid.

39. If an owner, agent or manager of a mine desires the removal of a check-weigher on the ground that the check-weigher has impeded or interrupted the working of the mine or improperly interfered with the weighing or has otherwise misconducted himself, he may complain in writing to a judge of the District Court, who, if of the opinion that said complaint should be investigated, shall issue a summons to the said check-weigher to appear at a certain time and place therein named. Removal of
check-weigher

(2) Such summons and a copy of the complaint shall be served personally on the check-weigher at least five days before the return of such summons; if, after diligent efforts, it is found impossible to personally serve said check-weigher the said summons may be left with some grown-up person residing in the home or last known place of residence of said check-weigher at least five days before the return of said summons.

(3) In default of appearance of the check-weigher to answer the complaint, service of the said summons on him shall be furnished to the satisfaction of said judge.

(4) Whether the check-weigher appears or not, said judge shall hear the case at the time fixed in the summons and if he deems sufficient ground is shown by the owner, agent or manager to justify the removal of the check-weigher, he shall make a summary order for his removal and the check-weigher shall thereupon be removed without prejudice to the stationing of another check-weigher in his place.

(5) Said judge may in every case make such order as to the costs of the proceedings he thinks just and such costs may be recovered as a judgment in the District Court.

(6) The judgment of said judge shall be final and there shall be no appeal therefrom.

40. In any mine in which the persons employed are paid by mutual agreement otherwise than according to the weight of the mineral gotten by them they may, at their own cost, employ one or two practical working miners of at least three years' experience, resident in the province who shall at all times have power and necessary facilities to check the correctness of the manner, method, measure, measurements or quantities according to which persons are paid, on behalf of the persons by whom he is employed; and also for counting boxes and tallies once daily, in order that the number of boxes, weights or quantities credited to such persons may be ascertained. Checker

(2) The provisions of this Act with respect to the powers and duties of a check-weigher and the facilities to be afforded him and for his removal from office shall apply to every person appointed under this section.

41. Any person employed in or about a mine may by order in writing authorize his employer to apply the whole or part of the moneys due to him to the payment of any debt due by such person employed in or about a mine, but any such order shall be effective only for an amount specified therein. Orders and
deductions

(2) Any such employer may without any order retain out of the moneys due any such person employed in or about a mine any sums due by such person in respect of powder, coal, oil, rent, doctor's fees or other supplies.

RETURNS AND NOTICES.

Annual
returns

42. The owner, agent or manager of every mine shall on or before the twenty-first day of January in every year send to the Minister a correct return showing the quantity of coal, stratified iron-stone, shale, clay or other mineral wrought or mined in such mine for or during the year ending the preceding thirty-first day of December and the average number of persons ordinarily employed in or about such mine, together with such further information as the Minister may demand.

(2) Said returns shall be in such forms as are from time to time prescribed by the Minister who shall from time to time on application furnish forms for the purpose of such returns.

Return from
abandoned
mine

43. When any mine is abandoned, the owner of same shall send to the Minister within twenty-one days thereafter a correct return showing the quantity of coal, stratified iron-stone, shale, clay or other mineral mined in such mine from the preceding thirty-first day of December to the date of abandonment and the average number of persons ordinarily employed in or about such mine during said period together with such further information as the Minister may demand.

Notice of
accident

44. In or about any mine whether above or below ground when—

1. Loss of life occurs to any person, the owner, agent or manager shall immediately thereafter send notice of the death by telegram to the Minister and to the District Inspector and within twenty-four hours thereafter shall make a return to the Minister and to the District Inspector according to schedule A;

2. Serious personal injury occurs to any person, the owner, agent or manager shall within twenty-four hours thereafter make a return to the Minister and to the District Inspector according to schedule A;

3. Any personal injury whatever occurs to any person by reason of any explosion of gas or coal-dust or any explosive or any explosion whatever, the owner, agent or manager shall immediately thereafter send notice of such explosion by telegram to the Minister and to the District Inspector and within twenty-four hours thereafter shall make a return to the Minister and to the District Inspector according to schedule A;

4. Any personal injury whatever occurs to any person by electricity or by overwinding or by or from such other cause or means as the Minister may designate, the owner, agent or manager shall within twenty-four hours thereafter make a return to the Minister and to the District Inspector according to schedule A;

5. Any personal injury, of which notice has been sent under this section, results in the death of the person injured, subsequent to the sending of such notice, then notice in writing of the death

shall be sent to the Minister and to the District Inspector within twenty-four hours after such death has reached the knowledge of the owner, agent or manager;

6. Loss of life or serious personal injury has immediately resulted from an accident, the place where the accident occurred shall be left in the same condition as it was at the time of the accident for at least three days after sending notice as aforesaid to the Minister and to the District Inspector or until the visit to the place by an Inspector, whichever event happens first, unless compliance with this subsection would tend to increase or continue a danger, or would impede the working of the mine.

45. A record of the amount of ventilation passing in every mine, required to be under the control of a manager, shall be sent monthly to the Minister and to the District Inspector on or before the twelfth day of each month. Ventilation

46. When any change occurs in the name of any mine not exempt from compliance with this section by the Minister, or in the name of the owner, agent or manager of such mine, or in the officers of any incorporated owner of such mine, or when any working is commenced for opening a mine or seam, or when any mine is abandoned or the working thereof discontinued, or when the working of a mine is commenced after an abandonment or discontinuance for a period not exceeding two months the owner, agent or manager of such mine shall within two months after such change, commencement, abandonment, discontinuance or recommencement truly and correctly advise the Minister and the District Inspector thereof in writing. Notice of change of name, etc.

ABANDONED MINES.

47. Where any mine is abandoned or the working thereof discontinued, at whatever time such abandonment or discontinuance occurs, the owner thereof and every other person interested in the mineral of such mine, shall at all times cause the top of every shaft and every entrance from the surface to be kept securely fenced for the prevention of accidents: Fencing

Provided that subject to any contract to the contrary, the owner of the mine shall, as between himself and any other person interested in the minerals of the mine, be liable to carry out the provisions of this section and to pay any costs incurred by any other persons interested in the minerals of the mine in carrying out the provisions of this section.

(2) Nothing in this section shall exempt any person from liability under any other Act or otherwise.

48. When any mine is abandoned, the owner of the mine at the time of its abandonment, shall within three months thereafter forward to the Minister a proper and correct plan of the mine, showing— Plans of abandoned mines

- (a) The boundaries of the workings of the mine showing the working faces, up to the time of abandonment;
- (b) The pillars of coal or other mineral remaining unworked;

- (c) The position, direction and extent of every known fault of every seam in the mine with its vertical throw and of every known washout and dyke;
 - (d) The position of the workings with regard to the surface;
 - (e) The general direction and rate of dip of the strata;
 - (f) The depth of every shaft and the depth from the surface to every seam;
 - (g) A section of every seam in the mine.
- (2) Every such plan shall be on a scale of not less than one hundred feet to the inch.

(3) When more than one seam has been worked, a separate plan of each seam shall be forwarded.

(4) Such plans and sections shall be kept by the Minister: Provided that if an abandoned mine is reopened, the owner shall be entitled to have the plans and sections returned to him on depositing with the Minister copies thereof or of such portions of same as the Minister may require, certified to be correct by a competent draughtsman.

(5) No person except an Inspector shall be entitled, without the consent of the owner for the time being of a mine or authority from the Minister, to see any plan or section while in his possession but such authority shall not be given unless the Minister is satisfied that the inspection of such plan is necessary in the interests of safety.

(6) When a mine has not been worked for a period of twelve months, it shall be deemed to have been abandoned unless the roadways and workings of same are maintained in an accessible condition; if any dispute shall arise as to whether or not a mine is abandoned under this Act, the same shall be decided by the Minister whose decision shall be final and there shall be no appeal therefrom.

(7) A complaint or information for an offence under this section may be made or laid within six months after abandonment of the mine or within six months after service on the owner aforesaid of a notice to comply with the requirements of this section whichever last happens.

(8) The Supreme Court may, on application by or on behalf of the Minister, make an order requiring any person who has for the time being the custody or possession of any plan or section of an abandoned mine or seam, to produce same to the Minister for the purpose of inspection or copying.

INSPECTION.

Appointment of inspectors

49. The Lieutenant Governor in Council may from time to time appoint any person holding a first class certificate to be Chief Inspector under this Act and assign his duties and fix his remuneration.

(2) The Lieutenant Governor in Council may also from time to time appoint any person holding a first class certificate to be a District Inspector under this Act for the district specified in such appointment, and may assign his duties and fix his remuneration.

(3) Notice of the appointment of every such inspector shall be published in *The Alberta Gazette*.

(4) An inspector shall not act as a mining engineer or mine manager within the province.

50. An inspector shall visit every mine in his district as often ^{Duties} as his duties permit, or the exigencies of the case require.

(2) Every inspector shall make an annual report of his proceedings during the preceding year to the Minister.

(3) Immediately after completion of each inspection the District Inspector shall cause to be posted in some conspicuous place at or near the mine a copy or duplicate of his report.

51. In addition to any other powers or duties with which he ^{Powers} may be vested, an inspector shall have power to—

1. Make such examination and inquiry as is necessary to ascertain whether the provisions of this Act relating to matters in or about any mine are complied with;

2. Enter, inspect and examine any mine or any part thereof at all times by day or night;

3. Examine into and make inquiry respecting the state and condition of any mine or any part thereof and the ventilation of the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine or any mine contiguous thereto;

4. Exercise any such powers as are necessary for carrying this Act into effect.

52. No person shall obstruct an inspector in the execution ^{Obstruction of inspector} of his duties under this Act and no owner, agent or manager of a mine shall refuse or neglect to furnish to an inspector the means necessary for making an entry, inspection, examination or inquiry under this Act in relation to any mine.

53. In every case which is not expressly provided against ^{Causes of danger not specially provided for} in this Act, if a District Inspector finds any mine or any part thereof or any matter, thing or practice in or connected with any mine to be dangerous or defective so as in his opinion to threaten or tend to the bodily injury of any person, he shall forthwith give notice in writing thereof to the owner, agent or manager of such mine and shall state in such notice the particulars in which he considers such mine or any part thereof or any matter, thing or practice to be dangerous or defective and require the same to be remedied; if the same cannot be remedied he may require the men to be withdrawn from the mine or part thereof and unless the same is forthwith remedied or the men withdrawn he shall report the same to the Chief Inspector.

(2) If the owner, agent or manager of the mine objects to remedy the matter complained of or to withdraw the men, he shall within ten days after the receipt of such notice from the District Inspector forward his objections in writing, stating the grounds thereof to the Minister who may within ten days after receipt thereof, forward same by registered mail to the Chief Justice of Alberta and thereupon the matter including the costs in connection therewith shall be decided by arbitration by the said Chief Justice and two other arbitrators, one of whom shall be appointed by the Chief Inspector and the other

by such owner, agent or manager and the award of the said Chief Justice with one of the other arbitrators shall be final; a copy of the award shall be sent by registered mail to the persons affected thereby.

(3) Five days' notice of the time and place at which the arbitrators will hear such matter shall be given to the parties interested.

(4) When no objection is forwarded as aforesaid by the owner, agent or manager, he shall comply with the terms of the notice within ten days after the expiration of the time for objection.

(5) When there has been an arbitration the owner, agent or manager shall forthwith comply with the terms of the award made thereunder.

(6) No person shall be precluded by any agreement from doing such acts as are necessary to comply with the provisions of this section or be liable under any contract to any penalty or forfeiture for doing such acts.

Investigations

54. Where it appears to the Minister that a formal investigation of any accident in any mine or any matter connected with the working of any mine is expedient, the Minister may direct an inspector to hold such investigation and with respect to same, the following provisions shall apply:

(2) The Minister may appoint any person or persons possessing legal or special knowledge to act with the Inspector in holding the investigation.

(3) The Inspector shall make said investigation in such manner and under such conditions as he thinks most effectual.

(4) In addition to his other powers the Inspector shall for the purpose aforesaid have—

(a) Power to enter and inspect any mine building or place, the entry or inspection of which appears to him expedient;

(b) Power by summons signed by himself to require the attendance of any person and to require of such person such answers or returns to inquiries as he thinks fit.

(c) Power by such summons to require the production of any book, paper or document which he thinks necessary upon such investigation;

(d) Power to administer the oath.

(5) Any person attending before an inspector in obedience to any such summons shall be allowed such fees as are allowed to a witness attending on a subpoena before the Supreme Court.

(6) Every person served with a summons under this section, and who has been tendered the proper witness fees, shall forthwith obey and comply with the terms of the said summons.

(7) The Inspector shall make a report upon such investigation, which the Minister may cause to be made public at such time and in such manner as he thinks fit.

(8) Any expenses incurred in connection with such investigation shall be paid out of the general revenue fund of the province by order in council.

PLANS.

55. The owner, agent or manager of every mine shall keep Plans in the office at the mine a correct plan of the mine or copy thereof showing the workings of the mine on a scale of not less than one hundred feet to the inch or on the same scale as the plan then used at the mine and showing the workings up to a date not more than three months previous and showing the position of the entrances to the mine with regard to a section post on the surface.

(2) Said plan or copy shall also show the general direction and rate of dip of the strata and the depth of every shaft.

(3) The owner, agent or manager of every mine shall post in some conspicuous place at the mine a plan showing the principal ways of ingress and egress to and from the various outlets with the travelling roads leading thereto.

(4) The owner, agent or manager of every mine shall produce at the mine to an inspector the plan of the workings thereof and shall, if requested by him mark on such plan the progress of the workings of the mine up to the time of such production and shall allow him to examine the same and shall furnish to the Chief Inspector for his information a correct copy of such plan when requested by him.

(5) The Chief Inspector may in addition by notice in writing (whether a penalty for such offence has been inflicted or not) require the owner, agent or manager within thirty days thereafter to have made a correct plan as prescribed by this section.

CORONERS' INQUESTS.

56. When an inquest is to be held on the body of any person whose death may have been caused by an explosion or accident of which notice is required by this Act to be given to the Minister or to the District Inspector, the coroner shall immediately notify the District Inspector of his intention to hold such inquest and in the absence, nonarrival or nonattendance of an inspector, the coroner shall adjourn such inquest whenever practicable to enable an inspector or some other properly qualified person appointed by the Minister to be present at the inquest. Coroners'
inquests

(2) The coroner before such adjournment may take evidence to identify the body and may order the interment thereof.

(3) The coroner at least four days before holding the adjourned inquest shall send to the Minister and to the District Inspector notice in writing of the time and place of holding such adjourned inquest.

(4) The inspector or such other person appointed by the Minister and a person appointed by the workmen of the mine and a person appointed by the owner, agent or manager of the mine at which the accident occurred shall be at liberty at any such inquest to examine any witnesses.

(5) Where evidence is given at an inquest, of any neglect or default as having cause or contributed to the explosion or accident, the coroner shall forthwith send to the District Inspector, notice in writing of such neglect or default.

(6) No person having a personal interest in, or in the management of the mine in which the explosion or accident occurred, or any official of any workman's or owner's association, or any relative of the deceased person upon whose body the inquest is to be held shall serve on the jury empanelled for such inquest or act as coroner thereat.

(7) If in the opinion of the inspector it will lead to a more thorough investigation and will be more conducive to the ends of justice he may require the coroner to summon as jurymen not more than three working men employed at any other mine than that at which the accident occurred and such working men shall form part of the jury sworn for such inquest.

GENERAL PROVISIONS.

57. The provisions of sections 58 to 91 inclusive shall be observed so far as is reasonably practicable in or about every mine.

Ventilation

58. An adequate amount of ventilation shall be constantly produced in every mine to dilute and render harmless noxious gases to such an extent that the working places of the shafts, levels, stables and workings of the mine and the travelling roads to and from such working places shall be in a fit state for working and passing therein.

(2) An adequate amount of ventilation shall mean not less than two hundred cubic feet of pure air per minute for each person, horse and mule employed in the mine and as much more as the District Inspector may direct.

(3) Every mine shall be divided into districts or splits of not more than seventy men in each district and each district shall be supplied with a separate current of fresh air.

(4) All intake air shall travel free from all stagnant water, stables and old workings.

(5) On all main roads where a door is required the District Inspector may order that two doors shall be placed in order that while one is open, the other shall remain closed.

(6) The amount of ventilation passing in every mine shall be measured at least once every week by the overman or his assistant and the same shall be recorded in a book kept at the mine for that purpose.

Inspection
of mines
where gas
has been
found

59. In every mine in which inflammable gas has been found within the preceding twelve months, an examiner appointed for that purpose, shall inspect with a locked safety lamp that part of the mine being or intended to be worked and the roadways leading thereto within four hours before the time of each shift commencing work and if inflammable gas has been found within the preceding three months, then within three hours before the time of commencing work and he shall make a true report to the manager or overman at the time in charge of the mine, of the condition thereof as far as safety and ventilation is concerned; every such report shall be recorded without delay in a book which shall be kept at the mine for that purpose and

shall be signed by the person making the inspection and a copy of such report shall be posted immediately in a conspicuous place at the mine.

(2) No workman shall go to work in such part until said part and the roadways leading thereto are reported to be safe.

(3) For the purpose of this section two or more shifts succeeding one another so that work is carried on without any interval, are to be deemed to be one shift and it shall not be considered an interval if the times fixed for a shift of workmen to return from work coincide with the times fixed for the oncoming shift to go to work in accordance with this Act.

(4) A similar inspection of all parts of the mine in which workmen are to work or pass during that shift shall be made at least once during each eight hour shift.

(5) After dangerous gas has been found in any mine, a barometer and thermometer shall be placed above ground in a conspicuous position near the entrance to the mine and the readings shall be taken every day before the commencement of inspection and a record of such readings made in a book kept at the mine for that purpose and it shall be signed by the person or persons making said inspection.

60. In every mine in which inflammable gas has not been found within the preceding twelve months, a competent person or persons appointed for that purpose shall once in every twenty-four hours within four hours before the time of starting work inspect that part of the mine being or intended to be worked and the roadways leading thereto, and shall make a true report of the conditions thereof as far as safety and ventilation is concerned. Inspection of mines where gas has not been found

(2) No workman shall go to work in such part until the same and the roadways leading thereto are reported to be safe; every such report shall be recorded without delay in a book which shall be kept at the mine for that purpose and the same shall be signed by the person making the inspection and a copy of such report shall be posted immediately in a conspicuous place at the mine.

61. In every mine, all entrances to any place therein not in actual course of working and extension, shall be properly fenced around the whole width of such entrance so as to prevent persons inadvertently entering the same. Places to be fenced

62. One or more stations shall be appointed at the entrance to a mine or to the different parts thereof as the case requires and no workman shall pass beyond such station until the mine or part of the mine beyond the same has been inspected and reported to be safe. Stations

63. If at any time it is found by the person for the time being in charge of the mine or any part thereof that by reason of noxious gases prevailing in such mine or such part thereof or from any cause whatever the mine or the said part is dangerous, every workman shall be withdrawn from the mine or such part thereof so found to be dangerous and a competent person Withdrawal of workmen in case of danger

who shall be appointed for that purpose shall inspect the mine or such part thereof so found dangerous and if the danger arises from inflammable gas he shall inspect the mine with a locked safety lamp and in every case shall make a true report of the condition of the mine or part thereof and every such report shall be recorded without delay in a book which shall be kept at the mine for that purpose and shall be signed by the person making said inspection.

(2) Except when necessary for inquiring into the cause of danger or for the removal thereof or for exploration, no person shall be readmitted to the mine or such part thereof so found dangerous until the same is subsequently stated in said report not to be dangerous.

Safety
lamps, etc.

64. In every working approaching any place in a mine where there is likely to be an accumulation of inflammable gas or in any place in a mine in which there is likely to be any such quantity of inflammable gas as to render the use of naked lights dangerous, no lamp or light other than a locked safety lamp shall be allowed or used.

(2) When safety lamps are so required to be used, a person holding a certificate under this Act who shall be appointed for that purpose shall inspect every such lamp immediately before it is taken into the workings, to ascertain if it is secure and securely locked and no such safety lamp shall be used until it has been examined and found secure and securely locked and the same shall not be unlocked without authority from the owner, agent or manager and in the said part of the mine, no person shall, without authority from the owner, agent or manager have in his possession any key or contrivance for opening the lock of such safety lamp.

(3) In any mine in which safety lamps are required to be used no person shall carry or have in his possession any lucifer match or apparatus of any kind for striking a light or any pipe for smoking tobacco, or any tobacco for smoking in any form.

(4) Nothing in this section shall be construed to prevent the use of a safety lamp provided with a relighting apparatus within the tube thereof of a pattern approved and permitted by the Chief Inspector, nor to prevent the use of any shot-igniter, electrical firer or other appliance for such purpose of a pattern approved and permitted by the Chief Inspector.

(5) For the purpose of ascertaining whether any person is contravening any of the provisions of subsections 2 and 3 hereof, the owner, agent or manager may appoint one or more persons to make such inspection as he deems necessary.

(6) When safety lamps are used in any part of a mine no naked lights shall be used in any other part of the mine situated between the place where said safety lamps are so used and the return airway.

(7) When more than forty safety lamps are used at any one time in a mine, one or more competent persons shall be appointed by the owner, agent or manager to see that such lamps are properly cleaned, put together and in good order before being given out to the workmen.

65. No explosive shall be stored in any mine nor shall it be taken into any mine except in a secure case or canister containing not more than five pounds. ^{Explosives}

(2) There shall not be at any one time in any one place in a mine more than one case or canister; but for the driving of rock tunnels, the Chief Inspector may grant permission in writing for a sufficient amount of explosive to be taken into the mine by one or more persons in secure cases or canisters containing not more than twenty-five pounds in each such case or canister.

(3) In the process of charging or stemming for blasting, a person shall not use or have in his possession any iron or steel to be used as a pricker, charger, tamping rod, scraper or stemmer and nothing but clay or other non-inflammable substance or material shall be used for stemming and such clay or other non-inflammable substance or material shall be provided by the owner of the mine.

(4) No explosive shall be forcibly pressed into a hole of insufficient size and when a hole has been charged the explosive shall not be unstemmed or unrammed and no hole shall be bored for a charge at a distance of less than twelve inches from any hole where a charge has missed fire.

(5) Every charge of explosive where possible shall be placed in a properly drilled shot-hole and shall be sufficiently stemmed.

(6) Only one class, grade or quality of explosive shall be used in any one shot.

(7) In any place, in which the use of a locked safety lamp is for the time being required under this Act or in any place which is dry and dusty, no shot shall be fired except by a shot-lighter appointed for the purpose and he shall immediately before charging any shot-hole, examine same and shall see that the coal is well prepared, the shot properly placed, and the bore-hole well cleaned; he shall examine the character of explosive and shall regulate the quantity of such explosive to be used in such hole, and such hole shall be loaded according to his instructions; he shall examine all places contiguous thereto within a radius of sixty feet and shall not fire the shot unless he finds it safe to do so and the cables shall not be coupled up nor the shot fired except by him; the explosive shall not be fired except by some form of electrical firer or other means approved by the Chief Inspector.

(8) After a shot has been fired, the shot-lighter shall inspect the place and the workmen shall not resume work in such place until it has been so inspected and pronounced safe by the shot-lighter.

(9) Not more than one shot shall be fired at any one time in any working face in coal unless such shots are fired simultaneously by electricity.

(10) Detonators shall not be used in any mine nor taken therein except under the following conditions—

(a) Detonators shall be under the control of the owner, agent or manager of the mine or some person or persons appointed in writing by him for that purpose and

they shall be given only to shot-lighters or other persons authorized by the owner, agent or manager in writing:

Provided, however, that where an electrical firer is used, the workmen may carry their own supply of detonators, but a shot-lighter shall be the only person in the mine who shall have in his possession or use, an electrical firer;

- (b) All detonators given or issued under this subsection shall, until they are about to be used, be kept in a secure case or box separate from any other explosive.

(11) No shot shall be fired in any place in which at the last inspection inflammable gas has been found—

- (a) Unless the person appointed under subsection 7 hereof has examined the place where gas has been so reported to be present, and has found that such gas has been cleared away, and that there is not at or near such place, sufficient gas issuing or accumulated to render it unsafe to fire the shot; or,

(12) No shot shall be fired in any place which is dry and dusty except one of the following conditions is observed, namely:

- (a) Unless the place where the shot is to be fired and all contiguous accessible places within a radius of sixty feet therefrom including roof, floor and sides are at the time of firing in a wet state from thorough watering or other treatment equivalent to watering.

(13) Any mine which is divided into districts in such a manner that each district has an independent intake and return airway from the main air-course, for the purpose of this section, each of such districts shall be considered a separate mine.

(14) No explosive shall be thawed in any mine underground and when it is necessary to thaw same at any mine a proper thawing apparatus on the surface shall be provided by the owner of the mine.

Bore holes

66. When any working has approached within one hundred and twenty feet of a place which is likely to contain a dangerous accumulation of water, the working approaching such place shall not exceed eight feet in width or height and there shall be constantly kept at a sufficient distance not being less than fifteen feet in advance at least one bore-hole near the centre of the working face and sufficient flank bore-holes on each side.

Signals and guides in shafts

67. Every working shaft used for the purpose of drawing minerals or for the lowering or raising of persons, if of a greater depth than one hundred and fifty feet and not exempt in writing by the Chief Inspector, shall be provided with guides and some proper means of communicating distinct and definite signals from—

- (a) The surface to the bottom of the shaft;
- (b) The bottom of the shaft to the surface;
- (c) Every entrance for the time being in use off the shaft to the surface;

- (d) Every entrance for the time being in use off the shaft to the bottom of the shaft.

68. Every underground plane on which persons travel which is self-acting or worked by an engine, windlass or gin shall be provided, if exceeding ninety feet in length with some proper means of communicating distinct and definite signals between the stopping places and the ends of the plane and every back or counter balance used for raising or lowering coal or other minerals if exceeding ninety feet in length, unless exempt in writing by the Chief Inspector shall be provided with some proper means of communicating distinct and definite signals between the lower end and between the entrance of every working place thereon for the time being in work and the upper end thereof.

Signals on underground planes

69. Every underground plane on which persons travel which is self-acting or worked by an engine, windlass or gin, if exceeding sixty feet in length shall be provided with sufficient man-holes or places of refuge at intervals of not more than sixty feet.

Manholes in travelling roads

(2) Every road on which persons travel underground where the produce of the mine in transit exceeds ten tons in any one hour over any part thereof, and where the load is drawn by a horse or other animal, shall where there is not standing room of at least two feet, be provided with man-holes or places of refuge at intervals of not more than seventy-five feet.

(3) Where the load is drawn by machinery or other mechanical power at a speed exceeding two miles per hour and there is not standing room of at least two feet, there shall at intervals of not more than sixty feet be provided, man-holes or places of refuge.

(4) Every manhole or place of refuge shall be at least three feet in depth between the sides of the cars running on the plane or road and the back of the man-hole, three feet in width and five feet in height or the height of the seam but in any case not less than four feet.

(5) Every man-hole and place of refuge shall be constantly kept clear and frequently whitewashed and no person shall place anything in a man-hole or place of refuge so as to prevent access thereto.

(6) Whenever in the opinion of the Chief Inspector the provisions of this section are not sufficient for the safety of the persons travelling thereon, he may require the owner, agent or manager of such mine to provide a separate travelling road.

70. The top of every shaft which for the time being is out of use or used only as an airshaft shall be kept securely fenced for the prevention of accidents.

Shafts and entrances to be fenced

(2) The top and all entrances between the top and bottom of every working, ventilating or pumping shaft shall be properly fenced for the prevention of accidents but this shall not prevent the temporary removal of the fence to make repairs or for other operations if proper precautions for safety are used in the meantime.

71. Where one portion of a shaft is used for the lowering or raising of persons by ladders or otherwise, and another portion is used for raising the material gotten in the mine, no person shall travel or be permitted to travel in the shaft when the same is in operation, unless the first mentioned portion is either cased or otherwise securely fenced from the last mentioned portion.

Shafts to be
secured

72. Where the natural strata is not safe, every working or pumping shaft shall be securely cased, lined or otherwise made secure.

Places to be
made secure

73. The roof and sides of every travelling road or working place shall be made secure and no person except those appointed for the purpose of exploring or repairing shall travel or work in any such travelling road or working place which is not so made secure.

Timber

74. A sufficient supply of suitable timber shall be constantly kept in each working place as near the working face as is practicable and in no case shall it be further away than the nearest crosscut to the working face, or other convenient place in the vicinity thereof.

Spragging

75. All coal during the operation of holeing or undercutting by hand shall be supported by coal or wooden props.

Overhead
cover

76. Every cage or tub employed in lowering or raising persons in any working shaft shall have a sufficient and proper covering overhead but this shall not apply where the cage or tub is worked by a windlass nor where persons are employed at work in the shaft nor where a written exemption is given by the Chief Inspector.

Chains

77. No single link chain shall be used for lowering or raising persons in any working shaft or place except for the short coupling chain attached to the cage or load.

Prevention of
rope slipping

78. The drum of every machine used for lowering or raising persons shall have attached or fastened thereto proper flanges or horns and if the drum is conical in shape it shall have such other appliances as are sufficient to prevent the rope from slipping.

Brake and
indicator

79. Every machine worked by steam, water or other mechanical power used for lowering or raising persons shall have attached thereto an adequate brake and in addition to any mark on the rope is shall also have a proper indicator showing the position of the cage or load at all times.

Fencing of
machinery

80. Every fly-wheel and all exposed and dangerous parts of the machinery used in or about any mine shall be kept securely fenced for the prevention of accidents.

Boilers

81. Every steam boiler shall be provided with a proper steam gauge, water gauge and safety valve.

82. A competent person or persons appointed for the purpose shall at least once in every twenty-four hours inspect the external parts of all machinery, headgear, ropes and chains of the mine which are in actual use and shall without delay make true reports of such inspections in a book which shall be kept at the mine for that purpose, a copy or duplicate of which shall be posted at the mine and such reports shall be signed by the person making the inspections. ^{Inspection of machinery}

83. A competent person appointed for the purpose shall at least once in every week inspect the shafts and the guides or conductors therein by which persons are lowered or raised and shall without delay make true reports of such inspection in a book which shall be kept at the mine for that purpose, a copy or duplicate of which shall be posted at the mine and such reports shall be signed by the person making the inspections.

84. A ladder used permanently for ingress or egress to or from a mine shall not be fixed in a vertical or overhanging position, but shall be inclined at the most convenient angle which the space in which the ladder is fixed allows and every such ladder shall have substantial platforms at intervals of not more than forty feet. ^{Ladders}

85. Properly constructed ambulances or stretchers with splints and bandages shall be kept at every mine ready for immediate use in case of accident. ^{Ambulances, etc.}

86. No person shall wilfully damage or without proper authority remove or render useless any fence, fencing, casing, lining, guides, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam gauge, water guage, safety valve or other appliance or thing provided at the mine. ^{Wilful damage}

87. If more than twenty persons are employed in any mine below ground, sufficient accommodation shall be provided for enabling the persons employed in the mine to conveniently wash themselves and dry and change their clothes and such accommodation shall not be in the engine house or boiler house. ^{Wash-house}

88. No person shall, without lawful authority enter any mine, building or premises without first having obtained permission from the owner, agent or manager, overman or outside foreman. ^{Authority to enter}

89. For the purpose of complying with the provisions of this Act, every person shall observe such careful directions with respect to working as are given to him. ^{Directions to be observed}

90. The workmen employed in a mine may, at their own cost, appoint any two persons, resident in the province and who are not mining engineers, and who are practical working miners and have had not less than five years' experience of underground work, to inspect the mine, and the persons so appointed shall be allowed once at least in every month, accompanied, if the owner, agent or manager of the mine thinks ^{Committee may be appointed by workmen}

fit, by himself or one or more officials of the mine, to go to every part of the mine, and to inspect the shafts, roads, levels, workings, airways, ventilating apparatus, old workings, and machinery, and shall, where an accident has occurred in a mine of which notice is required under this Act to be given, be allowed to go, accompanied as aforesaid, to the place where the accident occurred, and to make such inspection as may be necessary for ascertaining the cause of the accident, subject, however, to the provisions of this Act requiring the place where an accident has occurred to be left as it was immediately after the accident.

(2) Every facility shall be afforded by the owner, agent and manager and all persons in the mine for the purpose of such inspection, and the persons appointed shall, except where the inspection is an inspection for the purpose of ascertaining the cause of an accident, forthwith make and sign a full and accurate report of the result of the inspection in a book to be kept at the mine for the purpose and shall forthwith cause a true copy of the report to be sent to the District Inspector.

How books
mentioned in
these rules
are to be kept

91. All books required to be kept by the foregoing general provisions shall be provided by the owner, agent or manager, and the same or a correct copy thereof shall be kept at the office of the mine and an inspector or any person employed in the mine, or anyone having the written authority of the Chief Inspector may, at all reasonable times inspect and take extracts or copies from such books; but nothing in this Act shall be construed to impose an obligation to keep any book or copy thereof for more than twelve months after same has ceased to be used for entries therein under this Act; and any report by this Act required to be recorded in a book may be partly in print or lithograph and partly in writing.

SPECIAL PROVISIONS.

92. The provisions of sections 93 to 124 inclusive shall be observed as far as is reasonably practicable in or about every mine.

To be
registered

93. Before commencing work in or about any mine every person shall personally attend at the office and be registered in accordance with the provisions of this Act.

Orders to be
observed

94. Every person, shall at all times, obey the lawful demands or orders of the person under whose charge he may be.

Sanction must
be obtained

95. No person occupying a position of trust shall delegate his work to another person without the sanction of the person under whose charge he is and no person occupying a position of trust shall absent himself from duty without legitimate cause or without having previously obtained permission from the person under whose charge he is.

Obtain
authority
before leaving
work

96. Where work is carried on continuously for more than one shift, no person having charge of other persons, machinery, signals or ventilating apparatus shall leave work until relieved, unless authorized by the persons under whose charge he is.

97. No person in or about any mine shall commit an act likely to cause danger to the mine or to any person. No acts to endanger safety

98. Any person receiving personal injury in or about any mine shall, if able, before leaving the mine, report same to the manager, overman, examiner or outside foreman. Report of injury

99. When any person becomes aware of any contravention of this Act, he shall as soon as possible report same to the manager, overman, examiner or outside foreman. Report of breach of discipline

100. Intoxicating liquor shall not be taken in or about any mine without the consent of the manager, nor shall any person in a state of intoxication enter or be allowed to remain in or about any mine. Intoxicating drinks not allowed

101. No person without proper authority shall interfere with any notice, timber, door, fence, aircourse, brattice, stopping or other appliances nor shall he leave open any door which he found shut nor shall he do anything to interfere with the ventilation of the mine, to impede the working thereof or damage the property of the owner. Interference with notices, etc.

102. No person shall enter or remain in any place in or about any mine where he is not absolutely required by duty to be. No person to be in any place without authority

103. No person shall ride on any car in or about any mine without the permission of the manager. Riding on cars not allowed

104. No person with an open light shall enter or remain in any stable and any person who finds an open light in a stable shall at once extinguish it. Care of lights

(2) Every person shall see that all unnecessary lights under his charge are extinguished.

105. Every person shall use great care and precaution in handling cars so that no injury will occur. Care of cars

106. A workman shall use great care and precaution in handling explosives and when making a cartridge he shall not keep his lamp on his head nor have a pipe or cigarette or cigar in his mouth; he shall place his lamp at least four feet away and at a point where the air will carry a spark from him. Care of explosives

107. No person shall take into or allow to remain in any building about any mine any explosive or explosive substance, unless authorized to do so by the owner, agent or manager. Explosives, where not to be

MANAGER.

108. The manager shall take all reasonable means to enforce the provisions of this Act; he shall have supervision and control of the mine and shall be responsible for the appointment of a sufficient number of persons whose duty it shall be to carry out the provisions of this Act and to see that the mine is worked with all reasonable provisions for safety.

OVERMAN.

109. The overman shall—

(1) Be subject to the control of the manager and shall direct and supervise all work underground; in the absence of the manager, or at any mine where a manager is not required by this Act, he shall have the same responsibility and be subject to the same liabilities as the manager.

(2) He shall examine all working places in the mine as often as possible particularly with reference to safety and proper working and generally he shall exercise that direction over the workmen and work that will conduce to their safety and the best interests of the mine.

(3) He shall see that all roadways, headings, airways and breasts are kept as straight as possible and that all pillars and stumps are of uniform and sufficient thickness.

(4) He shall see that all stoppings are properly built and kept in good repair.

(5) Immediately after it has come to his notice, he shall cause all dangerous places to be made secure.

(6) He shall see that all doors are hung in such a manner that they will close of their own accord and he shall see that all doors not in actual use are taken off their hinges and shall not allow any door to be propped or fastened back or opened except for the passage of persons, animals, cars or locomotives.

(7) He shall not allow a trapper while on duty to leave any door under his charge under any pretext whatever.

(8) He shall see that all entries are driven the proper height and width, that all roads are kept properly cleaned and as well drained as possible and in a safe condition for all animals.

(9) He shall see that all horses and mules under his charge are not overworked or unnecessarily whipped or abused by the drivers, and that the stableman properly attends to his duties.

(10) He shall see that no coal or other material is lost by premature or improper drawing of pillars or stumps and that the coal is properly mined.

(11) He shall see that all tools and materials furnished to the workmen are properly used.

(12) He shall examine and initial daily at the mine, all report books in the department under his charge and shall see that all reports are properly recorded therein.

(13) He shall see that all airways and all accessible old workings are inspected once at least in every week and that reports of such inspections are recorded immediately in a book kept at the mine for that purpose, and that the same are signed by the person or persons making said inspections.

EXAMINER.

110. The examiner shall—

(1) Be subject to the orders and control of the overman whose instructions shall not conflict with this Act.

(2) He shall when making his inspection before work commences, chalk his initials and date of inspection at the face of every working place in the district under his charge and shall see that all entrances to any place which may be found unsafe are fenced off at such a distance from the point of danger so as to prevent any person inadvertently approaching same.

(3) He shall inspect at least once in every twenty-four hours all airways in the district under his charge and on his becoming aware of anything requiring attention shall report the same to the manager or overman.

(4) He shall keep a careful watch over all working places in the district under his charge and in the event of danger he shall withdraw all persons who may be exposed to such danger and immediately report the same to the manager or overman and shall also make and sign a report of such danger in a book kept at the mine for that purpose.

(5) He shall before commencing his shift read the reports of the last preceding inspection and insert his initials thereto and note if gas or any other dangerous condition has been reported to be present in any part of the district under his charge.

(6) He shall see that the provisions of this Act are strictly observed and shall report any nonobservance of the same to the manager or overman immediately after the same comes to his attention.

SHOT-LIGHTER.

111. The shot-lighter shall be subject to the control of the overman whose instructions shall not conflict with this Act.

(2) Before firing a shot, the person about to fire the same shall see that all persons are out of reach of danger from the probable effect of such shot in that or any adjoining place and he shall take such precautions as may be necessary to prevent any person inadvertently approaching until the shot is fired.

(3) When electric batteries are used for firing shots and a shot has missed fire, no person shall enter any place where the shot has missed until the battery has been disconnected and permission is given for such entry by the person in charge of the firing.

(4) Where fuse is used for firing shots, no person shall enter any place where a shot has missed without authority or permission from the manager, overman or examiner.

(5) A record of all shots which have missed fire shall be kept in a book provided at the mine for that purpose.

(6) In all places where locked safety lamps are required to be used, the shot-lighter shall not be a contractor nor any person in the employ of a contractor unless permission in writing is first obtained from the Chief Inspector.

(7) Before leaving a place where a shot has missed fire, a warning board or fence shall be erected or fixed across the whole width of said place by the person who attempted to fire same to prevent anyone inadvertently entering said place.

(8) After a shot has been fired, the person who fired same shall, as soon as practicable thereafter, inspect the place and take all necessary steps to ensure safety before work is resumed.

LAMPMAN.

112. The lampman shall see that every safety lamp given out for use in the mine is thoroughly cleaned and properly put together in safe working order and securely locked, and he shall also see that no safety lamp gauze is used with less than twenty-eight parallel wires to the inch with equal spaces between.

(2) He shall see that all oil, gasoline, naphtha, spirits or other inflammable materials are carefully and properly stored and used and that no greasy waste or other refuse is allowed to accumulate in or about the lamp house.

(3) He shall not allow any person to be in the lamp house except those whose business requires them to be there and he shall keep the lamp house neat and clean and all appliances in proper working order.

(4) Whenever the lampman receives any defective or damaged lamp from any person, he shall report same to the manager or overman and he shall keep same in the state in which it was received by him until inspected by the manager or overman.

(5) No one except a person authorized by the manager or overman shall take a safety lamp from the lamp house or give one out for use in the mine.

SAFETY LAMPS.

113. Every person on receiving a safety lamp shall inspect it to see that it is secure and securely locked.

(2) Every person who has a safety lamp in his possession shall pay frequent attention to same and if oil is spilled on the gauze or glass, if the gauze is punctured so as to make a hole larger than that allowed in an ordinary safety lamp gauze, if the glass is cracked or if said lamp becomes unsafe from fire-damp or from the foregoing or any other causes, he shall at once extinguish the light by drawing the wick within the tube and forthwith take it to the overman, examiner or to the lamp house outside.

(3) No person shall improperly use or damage any safety lamp or blow out or attempt to blow out any flame in any safety lamp.

(4) No person shall place a safety lamp on its bottom unless it is necessary to do so for the safe performance of his work and in all cases it shall be at least two feet from the swing of any tool.

(5) Every person receiving one or more safety lamps before going on shift shall personally return them at the end of the shift to the lamp house.

(6) No person shall without authority have in his possession in any mine, any explosive and in mines where locked safety

lamps are required to be used if any explosive remains in the possession of a workman at the end of his shift he shall bring same out of the mine and return it at once to the place of storage provided for that purpose.

(7) Every person authorized to use explosives shall use the greatest precaution in the care and handling of same.

(8) No person shall fire any shot without authority from the manager or overman.

UNDERGROUND WORK.

114. All persons employed underground shall be subject generally to the control of the manager, overman, examiner and any other person properly appointed. ^{Duties and instructions}

(2) No person shall walk up or down a hoisting slope without permission from the manager or overman and every person in or about a slope or shaft bottom shall obey the orders of the onsetter or cager.

(3) No person in or about any mine shall improperly use or remove any signal, signal wire or signal apparatus and no person without proper authority shall give any signal.

(4) Before commencing work, every person in charge of a working place shall satisfy himself that the same is in a safe condition to work in; he shall also inspect his working place carefully at frequent intervals during his shift and he shall set sufficient timber to safely support the roof and sides of said place; he shall remove or renew same when necessary and shall take down all dangerous or doubtful pieces of loose material; if, however, said person finds it impossible to make said place safe, he shall fence same off and at once report same to the manager, overman or examiner and he shall at no time leave his working place until it is made safe or fenced off.

(5) When any person finds that he has not sufficient timber or other material to make his place safe, he shall immediately withdraw from such place and report same to the manager, overman or examiner.

(6) Any person in charge of a place shall work same according to the directions or orders of the manager, overman or examiner.

(7) When any person discovers any stoppage or disarrangement of ventilation, damage to any air-crossing, cloth, door, stopping, brattice or air-pipe, or observes any obstruction in any air-course, weakness in the roof, deficiency of timber weight or creeping of roof in any working place or roadway, accumulation of gas or water or any other danger, he shall immediately give notice to every person exposed to such danger and to the manager, overman or examiner.

(8) When any person finds fire-damp or other noxious gases in dangerous quantities in any mine, he shall immediately report the same to the manager, overman or examiner before leaving the mine and before leaving the mine he shall see that a record of the same is made in a book kept at the mine for that purpose.

STABLEMEN AND DRIVERS.

Duties

115. The stableman shall not allow any animal under his charge to do any work while not in proper condition, and he shall report to the manager or overman any injury received by any animal under his charge.

(2) The stableman shall see that all animals receive proper attention and he shall attend daily or when required by the overman or manager to all animals suffering from any cause or illness; he shall not administer any medicine to any animals except for sore shoulders, cuts or bruises unless authorized to do so by the manager or overman and shall have all animals harnessed with proper fitting harness and in good condition for their work before allowing them to leave the stable.

(3) Every person in charge of an animal shall take proper care of same; he shall not abuse it or allow anyone else to do so and he shall not leave same at any time without securing or fastening it safely from any possible danger.

(4) When any person in charge of an animal finds that it cannot pass along any road without rubbing against the roof, sides or timbering, he shall at once report same to the manager, overman or examiner.

(5) Sufficient and suitable sprags shall be provided and every person shall exercise great care while running or drawing cars and if necessary shall use sufficient sprags to prevent said cars from getting beyond control.

DRIVER BOSS.

Duties

116. When a driver boss is appointed he shall, inside the mine, have charge of all drivers, chute-loaders, spraggers, trappers and others engaged in hauling coal.

TRAPPERS.

Duties

117. When a trapper has charge of a door, he shall open same only for the passage of persons, animals, locomotives or cars and he shall instantly close the same when they have passed through; he shall not allow said door to remain open or to be propped or fastened back and he shall not leave same until the work of his shift is finished.

HAULAGE ROADS.

Instructions
for the
operation of

118. Any person in charge of any haulage road, plane or incline, or any cars or machinery thereon shall at all times pay strict attention to signals and to any deviation from the regular course of said cars or machinery and when he finds anything defective, he shall forthwith stop the cars and the machinery until the defect is repaired or remedied; he shall also report to the manager, overman or person under whose charge he may be forthwith, any danger, weakness or defect he may find.

(2) Any person whose duty it is to couple any car to any rope or chain, or to any other car, shall see that the couplings are secure, properly made, in good order and not twisted.

(3) Stop blocks or some other efficient appliance to prevent cars from accidentally going down, shall be provided and used at the top of all self-acting inclines, slopes and shafts.

(4) Where a drag or other appliance is required to be used by the manager or overman, the person in charge of same shall in all cases attach the drag or other appliance to the cars before hoisting begins.

CAGERS AND ONSETTERS.

119. The cager or onsetter shall have the general direction ^{Authority and duties} of the work at the pit bottom and he shall see that all persons, animals, cars and material are properly caged consistent with safety.

(2) He shall also see that no person is allowed to be raised in or on any cage or trip if the opposite cage or trip contains material of any description nor shall he allow any person to ascend in or on any cage which contains any car; nothing in this subsection shall, however, be taken to mean that a person may not be raised in a cage or trip where material is required to be placed on the opposite cage or trip, for the purpose of acting as a back balance:

Provided such material is securely fixed in such a manner that it cannot move on such cage or trip.

OUTSIDE FOREMAN.

120. The outside foreman shall be subject to the control of ^{Duties} the manager or a person appointed by him, and he shall direct and supervise all operations outside the mine.

(2) He shall see that every person under his charge performs his duty in a manner to insure the greatest possible safety to others and to the property of the owner.

(3) Unless some other person is appointed for the purpose, he shall receive all orders for supplies and shall see that they are properly filled.

(4) He shall see that all explosives and other inflammable materials are handled with the greatest possible care, and at no time shall he allow a naked light to be in the powder magazine.

(5) He shall see that all unnecessary fires are extinguished or properly damped before he leaves the mine at the close of each day.

VENTILATING FANS.

121. No person shall stop or cause to be stopped or change ^{Ventilating fans} or cause to be changed the speed of any ventilating fan without first having complied with the provisions of section 9 of *The Boilers Act* being chapter 9 of the Statutes of Alberta, 1911-12, as amended.

BANKSMEN.

122. The banksman shall have the general direction of the ^{Authority and duties} work at the bankhead and he shall see that all persons, animals, cars and materials are properly caged consistent with safety.

(2) He shall also see that no person is allowed to be lowered in or on any cage or trip if the opposite cage or trip contains material of any description nor shall he allow any person to descend on any cage which contains any car; nothing in this subsection shall, however, be taken to mean that a person may not be lowered against a cage or trip where material is required to be placed on the opposite cage or trip for the purpose of acting as a back balance:

Provided that such material used for the purpose of a back balance is securely fixed in such manner that it cannot move on such cage or trip.

(3) He shall report to the master mechanic or outside foreman any defect he may notice in the stop-blocks or other appliances.

WASH-HOUSE.

Wash-house

123. No person shall at any time take explosives, detonators, igniters or any explosive substance of any kind into any wash-house.

(2) Every person shall leave his clothes where directed by the manager or some person appointed by him.

SHAFT SINKING.

Shaft sinking

124. The banksman shall in all cases steady the tub, or anything about to be lowered before it leaves the top of the shaft and shall see that all bricks and other small materials are kept below the level of the top of the tub; he shall see that nothing is sticking to the bottom of the tub, and that all tools, gear or timber are properly placed and secured, and in no case shall he permit any material to be filled into a tub hanging over an uncovered shaft.

(2) The banksman shall, in every case see that the tub is lifted by the engine off the landing wagon or other cover and that it is steadied over and into the shaft.

(3) When a landing wagon is used, the banksman shall secure same by a catch when "off" and "on"; when landing he shall not signal to lower the tub on to the wagon until the latter is in position over the shaft and properly secured, and when work is ceased the landing wagon shall be left so that it will not impede the ventilation nor leave the shaft unfenced.

(4) The banksman shall not leave the top of the shaft while men are ascending or descending same.

(5) The shift boss shall be under the control of the manager or overman and he shall have full charge of the sinking operations; he shall at least once in every shift or more frequently if necessary inspect the shaft and remove any loose stones and if anything is found to be unsafe he shall stop sinking until everything is made secure, he shall immediately after such inspection make and sign a true report of the condition of the shaft in a book provided for that purpose.

(6) The shift boss shall see that the tub at the bottom of the shaft is so filled that the contents, if consisting of brick or other small materials, shall be below the level of the top of the tub; he shall see that stones are properly packed therein and

that nothing is sticking to the bottom thereof; he shall also see that all tools, gear and timber are properly placed and secured and that the tubs are in a line with the rope and properly steadied before being sent away.

(7) Every shot shall be fired under the supervision of the shift boss only and he shall see that the same is fired by an electric battery from the surface and that such battery is not coupled to the cables until every person is out of the shaft.

(8) After every cessation of work, whether caused by the withdrawal of the workmen for shot-firing or other purposes, the shift boss, accompanied at least by one other person shall descend and inspect the shaft and he shall satisfy himself that the same is safe before allowing any other person to descend; after firing any shot, when inflammable gas is likely to be present such inspection shall be made with a locked safety lamp and after an intermission of four hours in working, the shaft shall not be entered until a safety lamp has been lowered and it has been found that no gas is present.

(9) The shift boss shall descend in the first tub and shall ascend in the last tub in each shift.

(10) When walling or bricking is being done, the shift boss shall see that the shaft under the bricking scaffold is properly ventilated, that the scaffold is not over-weighted with material, and that the brickwork is of the strength specified by the manager.

(11) Explosives shall not be taken into or kept in a shaft until immediately before they are required to be used.

(12) When directed by the manager or overman, no lamp but a locked safety lamp shall be used in the shaft.

(13) When ascending or descending by a tub, every person shall keep within same and no person shall ascend or descend on a loaded tub.

ORDERS NOT PROVIDED FOR.

125. The owner, agent or manager or a person appointed by him may give any orders or instructions not expressly provided for by this Act: Orders and instructions not expressly provided for

Provided that such orders or instructions do not in any way conflict with the provisions of this Act.

126. The owner, agent or manager shall cause a copy of this Act with the name of the mine and the name and address of the Chief Inspector and of the District Inspector, and the name of the owner or agent, and of the manager appended thereto, to be posted up in some conspicuous place at or near the mine, where the same may be conveniently read or seen by any person employed; and so often as the same becomes defaced, obliterated or destroyed shall cause them to be renewed or replaced with all reasonable despatch.

(2) Said copy of this Act shall be kept separate from any regulations which refer to any contract made between the owner, agent or manager and any person or persons employed in or about a mine.

(3) If an owner, agent or manager has taken all reasonable means in his power to comply with this section, he shall not be guilty of an offence against same.

NOTICES: HOW TO BE SENT.

Notices,
how sent

127. All notices and documents required by this Act shall be in writing, print or lithograph.

(2) All notices and documents required by this Act to be served or sent to the Minister or Chief Inspector may be either delivered personally or sent addressed to him to the Department of Public Works at the seat of government by prepaid registered letter, and all notices and documents required by this Act to be served or sent to the District Inspector may be either delivered personally or sent by prepaid registered letter addressed to his last known place of abode.

(3) All notices and documents required by this Act to be sent by the Minister or an inspector, may be either served personally upon the parties affected thereby or sent by prepaid registered letter to their last known place of abode.

(4) Said notices if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending, it shall be sufficient to prove that the letter containing the notice was properly addressed, registered and put into the post.

PENALTIES.

Owner, agent,
manager,
overman or
examiner

128. Every owner, agent, manager, overman or examiner who violates any of the provisions of this Act shall on summary conviction be liable to a penalty not exceeding one hundred dollars and costs.

Persons other
than owner,
agent,
manager,
overman or
examiner

(2) Every other person who violates any of the provisions of this Act shall on summary conviction be liable to a penalty not exceeding fifty dollars and costs.

Penalty for
wilful
violation

129. When any person is found guilty of an offence against this Act which might reasonably have been expected to cause a serious accident or to result in personal injury, the tribunal adjudicating thereon shall be entitled to impose imprisonment with hard labour for a period not exceeding three months in addition to any other penalty imposed if it is shown that the offence was committed either wilfully or so negligently as to amount to a wilful violation of this Act.

PROSECUTIONS.

Application

130. All penalties imposed by this Act shall, when collected form part of the general revenue fund of the province.

Summary trial

131. The provisions of part XV of chapter 146 of the Statutes of Canada (*The Criminal Code*) in reference to summary convictions shall be applicable to all prosecutions under this Act.

132. The penalties imposed for a breach of any of the provisions of this Act shall be in addition to any penalty imposed by any other law, Statute or Ordinance for the same offence or matter.

133. No prosecution shall be instituted for a violation against this Act, except— Prosecutions,
how instituted

1. By the Chief Inspector; or
2. With the consent in writing of the Minister; or
3. By some person appointed by the Minister.

134. In any prosecution or other proceedings for an offence against this Act, an alleged offender shall be discharged if he proves to the satisfaction of the tribunal before which the same is tried that he took all reasonable means to prevent the commission of such offence. Defence

135. Any complaint or suit made or brought in pursuance of this Act shall be made or brought within six months from the time when the matter of such complaint or suit came to the knowledge of the prosecutor or complainant. Limitation

INFORMATION FOR MINISTER.

136. The owner, agent or manager of every mine shall at any time when required by the Minister, send to him such information relating to his mine as asked. Information
required

137. The Minister may publish the aggregate results of any returns made to him.

REGULATIONS AND FORMS.

138. The Lieutenant Governor in Council may from time to time— Additional
regulations

(1) Make such further or additional regulations, rules or orders as may be deemed necessary and proper in the interests of safety;

(2) Make and prescribe such forms and regulations as may be deemed necessary for the purpose of carrying out the provisions of this Act.

REPEAL.

139. Chapter 25 of the Statutes of Alberta, 1906, intituled "*The Coal Mines Act*," all amendments thereto; all rules, orders and regulations made thereunder, and chapter 17 of the Statutes of Alberta, 1908, being "*An Act to amend The Coal Mines Act for the Purpose of Limiting the Hours of Work Below Ground*," and amendments thereto, are hereby repealed. Repeal

Provided, however, that nothing in this repeal shall affect any certificate of competency issued by the Commissioner of Public Works for the North-West Territories or by the Minister or Provincial Inspector previous to the coming into force of this Act, but every such certificate shall have effect as if made or granted under this Act, and the register of holders of certi-

ificates, and other registers which at the commencement of this Act are kept in pursuance of the Acts hereby repealed shall be deemed to be registers or parts of registers kept in pursuance of this Act.

140. Nothing in this Act shall be construed to mean that any work done or performed according to any law in force at the time of the coming into force of this Act shall by reason of the passing of this Act be required to be done over again.

COMMENCEMENT OF ACT.

141. This Act shall, except as otherwise provided, come into operation on the first day of August, nineteen hundred and thirteen.

Time Act
comes into
force

SCHEDULE A.

FORM OF NOTICE OF EXPLOSION OR ACCIDENT TO BE SENT TO MINISTER OF PUBLIC WORKS AND DISTRICT INSPECTOR OF MINES.

Name and postal address of owner.....

Name of mine.....

Date.....

To the Minister of Public Works, Edmonton, Alberta, or to the District Inspector (if to the District Inspector, insert the last known place of abode of such inspector).

In pursuance of *The Mines Act*, I beg to give you notice that an explosion or accident (as the case may be) has occurred at this mine, of which the following are the particulars:

Name of person(s) killed.....

Name of person(s) injured.....

Occupation.....

Age.....

Date of accident.....

Time of accident.....

Place of accident.....

Date of first employment.....

Nature of injuries.....

Causes with full description of accident.....

I am, Sir,

Your obedient servant,

Owner, Agent or Manager.

Other remarks.....

REGULATIONS UNDER THE MINES ACT (1-5).

Inserted for convenience only. Subject to change at any time by Order in Council or by the Minister.

1.—RULES FOR THE INSTALLATION AND USE OF ELECTRICITY IN OR ABOUT MINES.

(Order in Council, Sept. 17, 1913.)

Duties

1. It shall be the duty of the owner, agent, manager, overman, examiner and electrician to comply with and enforce the rules;

And it shall be the duty of all workmen and all persons in or about a mine to conduct themselves and their work in accordance with the rules.

Definitions

2. "Pressure" means the difference of electrical potential between any two conductors, or between a conductor and earth as read by a hot wire or electro-static volt-meter.

"Low Pressure" means a pressure in a system normally not exceeding 250 volts where the electrical energy is used.

"Medium Pressure" means a pressure in a system normally above 250 volts, but not exceeding 600 volts, where the electrical energy is used.

"High Pressure" means a pressure in a system normally above 600 volts, but not exceeding 3,000 volts, where the electrical energy is used or supplied.

"Extra High Pressure" means a pressure in a system normally exceeding 3,000 volts, where the electrical energy is used or supplied.

"System" means an electrical system in which all the conductors and apparatus are electrically connected to a common source of electro-motive force.

"Concentric System" means a system in which the circuit in a conductor or conductors, called the inner conductor, is completed through one or more conductors, called the outer conductor, arranged so that the inner conductor is insulated and the outer conductor is disposed over the insulation of, and more or less completely around the inner conductor.

"Conductor" means an electrical conductor arranged to be electrically connected to a system.

"Apparatus" means an electrical apparatus, and includes all apparatus, machines and fittings in which conductors are used, or of which they form a part.

"Circuit" means an electrical circuit forming a system or branch of a system.

"Covered with Insulating Material" means adequately covered with insulating material of such quality and thickness that there is no danger.

"Metallic Covering" means iron or steel armouring, with or without a lead or other metallic sheath as the conditions of the case may require, or an iron or steel pipe surrounding two or more conductors.

"Bare" means not covered with insulating material.

"Live" means electrically charged.

"Dead" means at, or about, zero potential, and disconnected from any live system.

"Open Sparking" means sparking which owing to the lack of adequate provision for preventing the ignition of inflammable gas external to apparatus would ignite such inflammable gas.

"Earthed" means connected to the general mass of earth in such manner as will ensure at all times an immediate discharge of electrical energy without danger.

"Earthing System" means an electrical system in which all the conductors are earthed.

"Switchgear" means switches or fuses, conductors, and other apparatus in connection therewith, used for the purpose of controlling the current or pressure in any system or part of a system.

"Authorized Person" means a person appointed in writing by the manager of the mine to carry out certain duties incidental to the generation, transformation, distribution, or use of electrical energy in or about a mine, such person being a person who is competent for the purposes of the rule in which the term is used.

"Electrician" means a person appointed in writing by the manager of the mine to supervise the apparatus in or about the mine and the working thereof, such person being a person who is over 21 years of age, and is competent for the purposes of the rule in which the term is used.

"Danger" means danger to health or danger to life or limb from shock, burn or other injury to persons employed, or from fire or explosion attendant upon the generation, transformation, distribution or use of electrical energy.

"Use" of electricity means the conversion of electricity into mechanical energy, heat, or light for the purpose of providing mechanical energy, heat or light.

3. The use of electricity is prohibited in any part of a mine where, on account of the risk of explosion of gas or coaldust, such use would be dangerous to life.

Use of
electricity
prohibited in
certain
places

In case any difference of opinion shall arise between an inspector and an owner, agent or manager under this rule, the same shall be settled as provided in *The Mines Act*.

4. Notices shall be sent to the District Inspector of Mines on the forms prescribed by the Minister, as follows, namely:

Notices

(i) Notice of any existing apparatus. To be sent within one month from the date on which these rules come into force;

(ii) Notice of intention to introduce apparatus into any mine, or into any ventilating district in any mine;

- (iii) Notice of the intention to introduce or re-introduce electricity into any mine where the use of electricity has previously been prohibited under Rule 3;
- (iv) An annual return giving the size and type of apparatus and any particulars which may be required by the Minister as to the circumstances of its use. To be sent on or before the twenty-first day of January in every year.

If the District Inspector does not object in writing within one calendar month from the receipt by him of the notice, to the carrying out of either of the intentions specified in the second or third notices the owner shall be entitled to carry out such intention or intentions:

Provided that this rule shall not apply to telephones and signalling apparatus.

Plans

5. The owner, agent or manager of every mine in which electricity is used underground, shall keep in the office at the mine a correct plan on the same scale as that required to be kept at the mine in fulfilment of the requirements of *The Mines Act*, showing up to a date not more than three months previous, the position of all fixed apparatus in the mine, other than telephones and signalling apparatus; said plan shall be produced to an inspector at any time on his request.

Notices for
workmen

6. The following notices, constructed of durable material shall be exhibited where necessary:

- (i) A notice prohibiting any person other than an authorized person from handling or interfering with apparatus;
- (ii) A notice containing directions as to procedure in case of fire. This notice shall be exhibited in every place containing apparatus other than cables, telephones and signalling apparatus;
- (iii) A notice containing directions as to the restoration of persons suffering from the effects of electric shock;
- (iv) A notice containing instructions how to communicate with the person appointed under Rule 13 (a). This notice shall be exhibited at the entrance to the mine in the case of a mine entered otherwise than by shafts, and in case of a mine entered by shafts, at the shaft bottom.

Lighting,
telephones,
and fire
buckets

7. (a) In all places lighted by electricity where a failure of the electric light would be likely to cause danger, one or more safety lamps or other proper lights shall be kept continuously burning.

(b) Efficient telephonic or other equivalent means of communication shall be provided for communicating between the place in which the switchgear provided under Rule 13 (a) is erected and the shaft bottom or main distributing center in the mine.

(c) Fire buckets of suitable capacity, filled with clean, dry sand ready for immediate use in extinguishing fires shall be kept in every place containing apparatus, other than cables, telephone and signalling apparatus.

Housing of
apparatus
and working
space

8. (a) Where necessary to prevent danger or mechanical damage, all switchgear shall be placed in a separate room, compartment or box. No transformers shall be placed in any mine underground and no transformer of over medium pressure shall be installed in any building in connection with the mine.

(b) Unless the apparatus is so constructed, protected, and worked as to obviate the risk of fire, no inflammable material shall be used in the construction of any room, compartment, or box containing apparatus, or in the construction of any of the fittings therein. Each such room, compartment or box shall be substantially constructed and shall be kept dry.

(c) Adequate working space and means of access clear of obstruction and free from danger shall be provided for all apparatus that has to be worked or attended to by any person, and all handles intended to be operated shall be conveniently placed for that purpose.

Construction
of apparatus
and the
insulation of
a system

9. (a) All apparatus and conductors shall be sufficient in size and power for the work they may be called upon to do, and so constructed, installed, protected, worked and maintained as to prevent danger.

(b) All insulating material shall be chosen with special regard to the circumstances of its proposed use. It shall be of mechanical strength sufficient for its purpose, and it shall be of such a character or so protected as fully to maintain its insulating properties under working conditions of temperature and moisture.

(c) Every part of a system shall be kept efficiently insulated from earth, except that (i) the neutral point of polyphase system may be earthed at one point only; (ii) the mid-voltage point of any system, other than a concentric system, may be earthed at one point only; and (iii) the outer conductor of a concentric system shall be earthed. Where any point of a system is earthed, it shall be earthed by connection to an earthing system above ground.

(d) Efficient means shall be provided for indicating any defect in the insulation of a system.

10. (a) All metallic sheaths, coverings, handles, jointboxes, switchgear ^{Earthing} frames, instrument covers, switch and fuse covers and boxes, and all lamp-holders, unless efficiently protected by an earthed or insulating covering made of fire resisting material, and the frames and bedplates of generators, transformers, and motors (including portable motors) shall be earthed by connection to an earthing system above ground.

(b) Where the cables are provided with a metallic covering constructed and installed in accordance with Rule 14 (e) such metallic covering may be used as a means of connection to the earthing system. All the conductors of an earthing system shall have a conductivity at all parts and at all joints at least equal to 50 per cent. of that of the largest conductor used solely to supply the apparatus, a part of which it is desired to earth: provided that no conductor of an earthing system shall have a cross-sectional area of less than No. 12 B. & S. gauge.

(c) All joints in earth conductors and all joints to the metallic covering of the cables shall be properly soldered or otherwise efficiently made and every earth conductor shall be soldered into a lug for each of its terminal connections. No switch, fuse, or circuit breaker shall be placed in any earth conductor.

11. No pressure other than low or medium pressure shall be used in any ^{Pressure} mine underground. ^{allowed to be used}

12. Switchgear and all terminals, cable ends, cable joints and connections ^{Switchgear,} of apparatus shall be constructed and installed so that— ^{etc.}

- (i) All parts shall be of mechanical strength sufficient to resist rough usage;
- (ii) All conductors and contact areas shall be of ample current carrying capacity, and all joints in conductors shall be properly soldered or otherwise efficiently made;
- (iii) The lodgment of any matter likely to diminish the insulation, and of coal dust on or close to live parts shall be prevented;
- (iv) All live parts shall be so protected or enclosed as to prevent accidental contact by persons and danger from arcs or short circuits, fire or water;
- (v) Where there may be risk of igniting gas, coal dust, or other inflammable material, all parts shall be so protected as to prevent open sparking

13. (a) Properly constructed switchgear for cutting off the supply of ^{Control of} current to the mine shall be provided at the surface of the mine, and during the time any cable is live a person authorized to operate the said switchgear ^{the supply of current} shall be available within easy reach thereof.

Lightning arrestors, properly adjusted and maintained shall be provided where necessary to prevent danger.

(b) Efficient means, suitably placed, shall be provided for cutting off all pressure from every part of a system, as may be necessary to prevent danger.

(c) Such efficient means shall be provided for cutting off all pressure automatically from the part or parts of the system affected in the event of a fault, as may be necessary to prevent danger.

(d) Every motor shall be controlled by switchgear for starting and stopping, so arranged as to cut off all pressure from the motor and from all apparatus in connection therewith, and so placed as to be easily worked by the person appointed to work the motor.

(e) If the concentric system is used no switch, fuse, or circuit breaker shall be placed in the outer conductor or in any conductor connected thereto, except that, if required, a reversing switch may be inserted in the outer conductor at the place where the current is being used. Nevertheless, switches, fuses, or circuit breakers may be used to break the connection with the generators or transformers supplying the electricity; provided that the connection of the outer conductor with the earthing system shall not thereby be broken.

(f) Each branch circuit inside a mine shall be controlled by an independent switch and in any mine where safety lamps are required to be used, all switches shall be of the oil type.

Cables

14. All cables other than flexible cables for portable apparatus and signalling wires, shall comply with the following requirements:

(a) They shall be covered with insulating material (except that the outer conductor of a concentric system may be bare). The lead sheath of lead sheathed cables and the iron or steel armouring of armoured cables shall be of not less thickness respectively than .031 inches.

(b) They shall be efficiently protected from mechanical damage and supported at sufficiently frequent intervals and in such a manner as adequately to prevent danger and damage to the cables;

(c) Concentric cables, or two-core or multi-core cables protected by a metallic covering, or single-core cables protected by a metallic covering which shall contain all the conductors of the circuit, shall be used (i) where the roadway conveying the cables is also used for mechanical haulage; and (ii) where there may be risk of igniting gas, coal-dust, or other inflammable material:

Provided that if the medium pressure direct current system is used (i) two single-core cables protected by metallic coverings may be used for any circuit if the said metallic coverings are bonded together by earth conductors so placed that the distance between any two consecutive bonds is not greater than 100 feet measured along either cable; and (ii) two single-core cables covered with insulating material efficiently protected otherwise than by a metallic covering may be used in side roads (except in side roads which are also used for mechanical haulage, or where there may be risk of igniting gas, coal dust, or other inflammable material) for the purpose of supplying portable apparatus;

(d) Cables shall be properly secured by some non-conducting and readily breakable material to efficient insulators;

(e) The metallic covering of every cable shall be (i) electrically continuous throughout; (ii) earthed, if it is required by Rule 10 (a) to be earthed, by a connection to the earthing system of not less conductivity than the same length of the said metallic covering; (iii) efficiently protected against corrosion where necessary; (iv) of a conductivity at all parts and at all joints at least equal to fifty per cent. of the conductivity of the largest conductor enclosed by the said metallic covering; and (v) where there may be risk of igniting gas, coal-dust, or other inflammable material, so constructed as to prevent as far as is practicable any fault or leakage of current from the live conductors for causing open sparking:

Provided that where two single-core cables protected by metallic coverings bonded together in accordance with Rule 14 (c) are used for a circuit, the conductivity of each of the said metallic coverings at all parts and at all joints shall be at least equal to 25 per cent. of the conductivity of the conductor enclosed thereby;

(f) Cables and conductors where joined up to motors, transformers, switch-gear, and other apparatus, shall be installed so that (i) they are mechanically protected by securely attaching the metallic covering (if any) to the apparatus; and (ii) the insulating material at each cable end is efficiently sealed so as to prevent the diminution of its insulating properties. Where necessary to prevent abrasion or to secure gas-tightness there shall be properly constructed bushes.

Portable
apparatus

15. (a) Flexible cables for portable apparatus shall be two-core or multi-core and covered with insulating material which shall be efficiently protected from mechanical damage. If a flexible metallic covering be used either as the outer conductor of a concentric system or as a means of protection from mechanical damage, the same shall not alone be used to form an earth conductor for the portable apparatus.

(b) Every flexible cable for portable apparatus shall be connected to the system and to the portable apparatus itself by a properly constructed connector.

(c) At every point where flexible cables are joined to main cables a switch capable of entirely cutting off the pressure from the flexible cables shall be provided.

(d) No lampholder shall be in metallic connection with the guard or other metal work of a portable lamp.

Supervision
and working
of apparatus

16. (a) Every person appointed to work, supervise, examine, or adjust any apparatus shall be competent for the work that he is set to do. No

person except an electrician or a competent person acting under his supervision shall undertake any work where technical knowledge or experience is required in order to adequately avoid danger.

(b) An electrician shall be appointed in writing by the manager of the mine to supervise the apparatus. If necessary for the proper fulfilment of the duties detailed in the succeeding sections of this rule the manager shall also appoint in writing an assistant or assistants to the electrician.

(c) The electrician shall be in daily attendance at the mine. He shall be responsible for the fulfilment of the following duties, which shall be carried out by him or by an assistant or assistants duly appointed under subsection (b), (i) the thorough examination of all apparatus (including the testing of earth conductors and metallic covering for continuity) as often as may be necessary to prevent danger; and (ii) the examination and testing of all new apparatus and of all apparatus re-erected in a new position in or about the mine before it is put into service in the new position; provided that in the absence of the electrician for more than twenty-four hours the manager shall appoint in writing an efficient substitute.

(d) The electrician shall keep at the mine a log-book made of daily log sheets kept in the form prescribed by the Minister. The said log-book shall be produced at any time to an inspector on his request.

(e) Should there be a fault in any circuit the part affected shall be made dead without delay, and shall remain so until the fault has been remedied.

(f) All apparatus shall be kept clear of obstruction and free from dust, dirt and moisture, as may be necessary to prevent danger.

Inflammable or explosive material shall not be stored in any room, compartment or box containing apparatus, or in the vicinity of apparatus.

(g) Adequate precautions shall be taken by earthing or other suitable means to discharge electrically any conductor or apparatus, or any adjacent apparatus, if there is danger therefrom, before it is handled and to prevent any conductor or apparatus from being accidentally or inadvertently electrically charged when persons are working thereon. While lamps are being charged the pressure shall be cut off.

(h) The person authorized to work an electrically driven portable machine shall not leave the machine while it is working and shall, before leaving the place see that the pressure is cut off from the flexible trailing cable which supplies such portable machine. Trailing cables shall not be dragged along by the machine when working.

(i) Every flexible cable shall be examined at least once in every fourteen days by the electrician and if used with a portable machine at least once in each shift by the person authorized to work the machine. A correct report of each of these inspections shall be made immediately in a book kept at the mine for the purpose. If a flexible cable is found damaged or defective it shall forthwith be replaced by a spare cable in good and substantial repair. Such damaged or defective cable shall not be further used underground until after it has been sent to the surface and there properly repaired.

17. In any part of a mine in which inflammable gas or coal dust, although not normally present, is likely to occur in quantity sufficient to be indicative of danger, the following additional requirements shall be observed:

Use of
electricity
where in-
flammable
gas is likely
to be present

- (i) All cables, apparatus, signalling wires and signalling instruments shall be constructed, installed, protected, worked and maintained, so that in the normal working thereof there shall be no risk of open sparking;
- (ii) All motors shall be constructed so that when any part is live all rubbing contacts (such as commutators and slip rings) are so arranged or enclosed as to prevent open sparking;
- (iii) The pressure shall be switched off apparatus forthwith if open sparking occurs, and during the whole time that examination or adjustment disclosing parts liable to open sparking is being made. The pressure shall not be switched on again until the apparatus has been examined by the electrician or one of his duly appointed assistants, and the defect (if any), has been remedied or the adjustment made;
- (iv) Every electric lamp shall be enclosed in an air-tight fitting, and the lamp globe itself shall be hermetically sealed;
- (v) A safety lamp shall be provided and used with each motor when working, and should any indication of fire-damp appear from such safety lamp, the person appointed to work the motor shall forthwith cut off the pressure therefrom and report the matter to the overman or other official.

18. (a) Current from lighting or power circuits shall not be used for firing shots.

(b) Shot-firing cable shall be covered and protected as provided by Rule 15 (a) for flexible cables. Adequate precautions shall be taken to prevent them from touching other cables and apparatus.

Signalling

19. (a) Contact-makers shall be so constructed as to prevent the accidental closing of the circuit.

(b) Adequate precautions shall be taken to prevent signal and telephone wires from touching cables and other apparatus.

Electric
relighting
of safety
lamps

20. (a) All relighting apparatus shall be so constructed, worked and maintained as to preclude the accumulation of explosive gas within it.

(b) Relighting apparatus shall not be used in any part of a mine to which Rule 17 applies.

(c) Where relighting apparatus is used a suitable station or stations shall be chosen, and relighting apparatus shall not be used in any other place in the mine.

(d) Relighting stations shall be in charge of authorized persons, and no person other than the said authorized persons shall use the relighting apparatus.

(e) All safety lamps shall be examined by an authorized person appointed under subsection (d) hereof before being relighted, and again examined before being issued. -

Locomotives

21. Haulage by electric locomotives on the overhead trolley wire system, and haulage by storage battery locomotives may only be used in any mine, with the consent in writing of the Minister and subject to such conditions affecting safety as may be prescribed by him.

Exemptions

22. (a) Any of the foregoing requirements shall not apply in any case in which exemption is obtained from the Minister on the ground either of emergency or special circumstances, on such conditions as the Minister may prescribe.

(b) The requirements of the foregoing Rules which relate to the construction of cables and other apparatus shall not before the first day of January, 1916, apply to any apparatus which was in use before the first day of November, 1913, unless the District Inspector of Mines by written notice served on the owner, agent or manager as regards either all or any of the said requirements of the foregoing Rules so directs. If the owner, agent or manager within ten days after the receipt of such notice objects to comply with the requirements specified in the notice the matter shall be settled as provided in *The Mines Act*.

2.—GENERAL REGULATIONS UNDER SECTION 138 OF THE MINES ACT.

(Order in Council, Nov. 11, 1914.)

(These Regulations shall come into force on December 1st, 1914.)

1. It shall be the duty of the manager, overman and examiner to carry out and to the best of their ability enforce the provisions of all regulations and rules under *The Mines Act*, and it shall be the duty of all persons in or about a mine to comply with the provisions of all regulations and rules made under the provisions of the said Act.

2. All regulations, rules or orders which are in force under *The Mines Act* shall be posted up in some conspicuous place at the mine where they may be conveniently seen and read by any person employed; and so often as the same become defaced, obliterated or destroyed, the owner, agent or manager shall cause them to be renewed with all reasonable despatch.

3. In addition to the powers conferred by Section 64 subsection 5 of *The Mines Act*, for the purpose of ascertaining whether any person is contraven-

ing any of the provisions of section 64 subsections 2 and 3, the owner, agent or manager shall cause all the persons employed in a mine or such of them as may be selected to be searched at any time when required by an Inspector of Mines.

4. A record shall be made in a book to be kept for the purpose at the mine of the names of all persons to whom safety lamps are given out.

(2) A competent person appointed for the purpose shall examine every safety lamp on its being returned to the lamp house and if, on such examination, any lamp is found to be damaged, the damage shall be deemed to have been due to neglect or the fault of the person to whom the lamp was given out, unless he proves that the damage was due to no fault of his own and that he immediately gave notice of the damage to the overman or examiner or to some other person in authority in the mine.

(3) After the first day of January, 1916, no safety lamp except an electric lamp shall be lighted below ground except by a competent person appointed by the manager who shall only light such lamp after it has been thoroughly examined and found to be in safe condition and in good working order and no person other than such person as aforesaid shall have in his possession any contrivance for lighting any safety lamp.

(4) No safety lamp shall be used in any mine unless it is of a type approved by the Chief Inspector of Mines.

5. A district or split means any part of a mine or seam having an independent intake airway commencing from a main intake airway and an independent return airway terminating at a main return airway.

6. The points at which the quantity of air shall be measured in pursuance of section 58 of *The Mines Act* shall be as follows:

(a) In the main airway of each mine as near as practicable to the point at which the air enters the mine;

(b) In every district or split as near as practicable to the point at which the district or split commences;

(c) In each district or split at a point not further away than one hundred feet from the working place furthest away from the commencement of the split;

(d) These measurements shall be made at least once every week by the overman or his assistant and a record of each measurement along with a record of the greatest number of men employed in each district or split during the week previous to the date on which such measurement was made, shall be forthwith entered in a book which shall be kept at the mine for that purpose, and signed by the person making the measurement.

7. The owner, agent or manager of every mine shall cause a water gauge to be provided and kept constantly in use in connection with every ventilating fan except in the case of an auxiliary fan placed underground which does not contribute to the general ventilation of the mine or of any ventilating district of the mine.

(2) The owner, agent or manager shall appoint a competent person to observe from time to time the ventilating pressure as indicated by the water gauge and when an automatic indicator registering the water gauge is not in use, such person shall, at the end of each period of two hours, enter in a book which shall be kept at the mine for the purpose, the pressure shown by the water gauge at the end of each period.

8. The owner, agent or manager of every mine shall keep in the office at the mine a separate plan drawn to a scale approved by the Chief Inspector of Mines, showing the system of ventilation in the mine, the direction of the air currents, the points where the quantity of air is measured and the devices for the regulation and distribution of the air; such plan shall be kept up to a date not more than three months previous.

9. After the first day of July, 1915, there shall in every mine in which a mechanical contrivance for ventilation is used, be provided and maintained in a condition to be put into immediate operation, adequate means for reversing the air current.

10. After the first day of January, 1916, no fire shall be used below ground for ventilation in any mine.

11. No person shall brush or waft out gas in any mine unless authorized to do so by the manager, overman or examiner.

12. In every mine, the ventilation shall be kept and maintained in good and proper order to insure that an adequate amount of air reaches each working face.

13. All stoppings between main intakes and main return airways shall be constructed so as to prevent as far as practicable leakage of air, and the space between the face of any of these stoppings and the roadway shall be kept constantly clear.

14. No person shall, unless authorized to do so by the manager, overman or examiner, pass beyond any fence or danger signal.

15. The owner, agent or manager of every mine shall appoint a competent person to keep in a book which shall be kept at the mine for the purpose a correct record of the number of persons going below ground and returning from below ground on each shift, and every person shall, immediately before going below ground and after returning from below ground report his presence to such person.

16. In every mine unless it is naturally wet throughout—

(a) The cars shall be so constructed and maintained as to prevent as far as practicable dangerous coal dust escaping through the sides, ends or floors of the cars, but any cars which were in use in any mine at the time of the passing of these regulations may, notwithstanding that they are not so constructed, continue to be used in that mine until the first day of January, 1920.

(b) Systematic steps shall be taken to prevent as far as practicable, explosions of coal dust occurring or being carried throughout the mine.

17. Where shots are fired electrically, the person firing the shot shall not use a cable less than sixty feet in length for the purpose of firing.

18. No explosive shall be used for the purpose of blasting coal in any anthracite or bituminous coal mine other than a permitted explosive as hereinafter defined.

(2) The term "permitted explosive" means such explosives as are named and defined from time to time by the Chief Inspector of Mines; provided that where the composition, quality or character of any explosive is defined by him, any article alleged to be such explosive which differs therefrom in composition, quality or character by reason of deterioration or otherwise, shall not be deemed to be the explosive so named and defined; provided further that an owner, agent or manager shall not be responsible for the composition, quality or character of an explosive, if he shows that he has in good faith obtained a written certificate from the maker of the explosive that it complies with the terms so named and defined and that he has taken all reasonable means to prevent deterioration of the explosive while stored.

19. Every person who violates any rule or regulation under *The Mines Act* shall be guilty of an offence against *The Mines Act* and liable to the penalties and obligations imposed by the said Act.

3.—REGULATIONS AS TO EXPLOSIVES IN COAL MINES ORDER OF DECEMBER 1ST, 1914.

In pursuance of Section 18 of the General Regulations under section 138 of *The Mines Act*, passed by Order-in-Council, November 11th, 1914, the explosive known as Monobel No. 1 is hereby named and defined as a "Permitted Explosive" and may be used in any mine until further notice.

Provided—

(1) That it consists of the following mixture:

INGREDIENTS	PARTS BY WEIGHT	
	NOT MORE THAN	NOT LESS THAN
Nitro-glycerine.....	9.5	7.5
Nitrate of Ammonia.....	70	66
Wood-meal (dried at 100° C.).....	9	7
Chloride of Sodium.....	16	14
Moisture.....	2	—

(2) That the explosive shall be used only when contained in a case of paper thoroughly waterproofed with a mixture of ceresine and resin;

(3) That the explosive shall be used only with an electric detonator of not less strength than that known as No. 6 (i.e. the electric detonator to be used shall possess an effective detonative strength as great as, or greater than, that of one containing 15 grains of a composition consisting in every 100 parts by weight of 80 parts of fulminate of mercury and 20 parts of chlorate of potassium);

(4) The greatest weight of the explosive which may be used in any one shot-hole shall not exceed 10 ounces;

(5) That each cartridge in addition to any other marking shall be clearly marked with the words "Not more than 10 ounces in any one shot-hole"; and

(6) That in addition to any other marking on the outer package, such outer package shall bear the words "As defined in the List of Permitted Explosives"; and, further, that each inner package shall be clearly marked with the words "Permitted Explosive, to be used only with not less than No. 6 detonator," and also with the name of the explosive, the name of the manufacturer, the date and place of manufacture, and the nature and proportion of the ingredients.

JOHN T. STIRLING,

Chief Inspector of Mines.

Edmonton, 1st December, 1914.

4.—REGULATIONS AS TO EXPLOSIVES IN COAL MINES ORDER NO. 2 OF DECEMBER 1ST, 1914.

In pursuance of section 18 of the General Regulations under section 138 of *The Mines Act*, passed by Order-in-Council, November 11th, 1914, the explosive known as A. 1. Monobel is hereby named and defined as a "Permitted Explosive" and may be used in any mine until further notice.

Provided—

(1) That it consists of the following mixture:

INGREDIENTS	PARTS BY WEIGHT	
	NOT MORE THAN	NOT LESS THAN
Nitro-glycerine.....	11	9
Nitrate of Ammonium.....	61.5	58.5
Wood-meal (dried at 100° C.).....	10.5	8.5
Chloride of Potassium.....	21	19
Moisture.....	2	—

(2) That the explosive shall be used only when contained in a case of paper thoroughly waterproofed with a mixture of ceresine and resin;

(3) That the explosive shall be used only with an electric detonator of not less strength than that known as No. 6 (i.e. the electric detonator to be used shall possess an effective detonative strength as great as, or greater than, that of one containing 15 grains of a composition consisting in every 100 parts by weight of 80 parts of fulminate of mercury and 20 parts of chlorate of potassium);

(4) That the greatest weight of the explosive which may be used in any one shot-hole shall not exceed 20 ounces;

(5) That each cartridge in addition to any other marking shall be clearly marked with the words "Not more than 20 ounces in any one shot-hole"; and

(6) That in addition to any other marking on the outer package, such outer package shall bear the words "As defined in the List of Permitted Explosives"; and, further, that each inner package shall be clearly marked with the words "Permitted Explosive, to be used only with not less than No. 6 detonator," and also with the name of the explosive, the name of the manufacturer, the date and place of manufacture, and the nature and proportion of the ingredients.

JOHN T. STIRLING,

Chief Inspector of Mines.

Edmonton, 1st December, 1914.

5.—REGULATIONS PASSED UNDER SECTION 138 OF THE
MINES ACT REGARDING PLANS.

(Order in Council, June 8, 1915.)

ORDER No. 4.

1. After the first day of July, 1915, all plans required to be kept in accordance with the provisions of *The Mines Act* shall be made of durable material and shall be prepared by or under the supervision of a person holding a certificate as Mine Surveyor granted under *The Mines Act*.

2. No person shall prepare or be allowed to prepare any such plan unless he is the holder of a certificate as Mine Surveyor granted under *The Mines Act* or unless he is acting under the supervision of some person who is the holder of a certificate as Mine Surveyor granted under *The Mines Act*.

3. In no case shall a certificate be granted to any applicant until he has satisfied the Board of Examiners that—

- (i) He has at least two years' practical experience in the surveying of mines or is the holder of a diploma in scientific and mining training after a course of study of at least two years at an educational institute approved by the Minister, or has taken a degree in scientific and mining subjects at a university so approved;
- (ii) He is competent—
 - (a) To make an accurate survey of the workings of a coal mine and to connect such survey with a surface survey;
 - (b) To make accurate levellings; and
 - (c) To plot accurately surveys and levellings;
- (iii) He has given satisfactory evidence of his sobriety and general good conduct.

4. Where the workings of any mine have approached within two thousand feet of any borehole drilled or being drilled for the purpose of developing natural gas or oil, or for the purpose of producing natural gas or oil, the owner, agent or manager of such mine shall keep in the office at the mine a correct plan of the mine or copy thereof on the same scale as the plan then used at the mine showing the position of said borehole or boreholes in relation to the workings of the mine and said plan shall also show the projected workings and a copy of said plan shall be forwarded to the Chief Inspector of Mines not later than the thirty-first day of January in each year.

5. Each plan required to be kept in accordance with the provisions of *The Mines Act* shall have inserted on it the date on which the last survey was made and the signature of the person making such survey if such person is the holder of a certificate as Mine Surveyor and if he is not, then by the certificated person under whose supervision the plan is prepared.

6. A certificate authorizing any person to act as Mine Surveyor may be granted to such person without examination if the Board of Examiners reports that he has the necessary experience and provided application is made for such certificate before the first day of September, 1915.

7. Every person who violates any rule or regulation under *The Mines Act* shall be guilty of an offence against *The Mines Act* and liable to the penalties and obligations imposed by the said Act.

1913
(FIRST SESSION)

CHAPTER 5.

An Act respecting Villages.

(Assented to March 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Village Act.*" Citation

2. In this Act unless the context otherwise requires the expression—

1. "Minister" means the Minister of Municipal Affairs for Alberta; Interpretation

2. "Village" means and includes any village now existing and any village municipality organized under the provisions of this Act; Village

3. "Council" means the council of a village; Council

4. "Councillor" means a member of the council of a village; Councillor

5. "Elector" means— Elector

(a) For the purpose of any election held prior to the completion of the first revised assessment roll of the village, any person, male or female, who is at the date of the election of the full age of twenty-one years, who has continuously resided within the village or within two miles of the limits thereof for a period of at least two months immediately preceding the date of such election and is at the date of the election the owner of land within the village, assessable under the provisions of this Act;

(b) For the purpose of any election held after the completion of the first revised assessment roll of the village, any person, male or female, of the full age of twenty-one years, whose name appears on the last revised assessment roll of the village and who has paid all taxes due by him to the village up to the 31st day of December last preceding the date of the election;

6. "Judge" means a judge of the District Court of the judicial district within which the village is wholly or partly situated, and "clerk" means the clerk of such court; Judge

7. "Owner" means and includes any person who appears by the records of the land registration district in which such land is situated to have any interest in any land in a village other than as mortgagee or encumbrancee or means and includes any *bona fide* purchaser of any such land and the registration of a caveat in such land titles office in respect of such land shall be deemed *prima facie* proof of such purchase. The provisions of this subsection shall for the purpose of validating any election be deemed to be and declare the law since the 25th day of March, 1913; 1914, c. 8, s. 1.

8. "Occupant" means any person who occupies any land exempt from taxation under the provisions of this Act otherwise than in an official capacity;

Secretary-treasurer

9. "Secretary-treasurer" means the secretary-treasurer of the village;

Person

10. "Person" includes a corporation or partnership;

Assessor

11. "Assessor" means the secretary-treasurer or other person acting as assessor of the village;

Revised assessment roll

12. "Revised assessment roll" means the assessment roll of the village as finally adopted by the council;

Land

13. "Land" or "property" means and includes lands tenements and hereditaments and any estate or interest therein; and for the purposes of assessment and taxation only "land" means land exclusive of the value of buildings or other expenditures of labour or capital thereon;

Improvements

14. "Improvements" means any increase in the value of the land caused by any expenditure of labour or capital thereon;

Hawker or pedlar

15. "Hawker" or "pedlar" means and includes any person, who, whether as principal or agent, goes from house to house, selling or offering for sale goods, wares or merchandise to any person, not being a wholesale or retail dealer in such goods, wares or merchandise or offers or exposes to any person not being a wholesale dealer in such goods, wares or merchandise, samples or patterns of any goods, wares or merchandise, to be afterwards delivered in the village, but shall not mean or include any person selling meat, fruit, fish, agricultural implements, sewing machines or farm produce by retail;

Transient trader

16. "Transient trader" means and includes any person who occupies premises in the village, who offers goods, wares or merchandise for sale, either personally or through licensed auctioneer or other agent or servant, whose name has not been entered on the last revised assessment roll of the village, or who has not, before he offers such goods, wares or merchandise for sale as aforesaid, resided continuously in the village for a period of three months next preceding the date at which he offers such goods, wares or merchandise for sale.

(2) Wherever the word "herein" is used in any section in this Act, it shall be deemed to relate to the whole Act and not to that section only.

Forms, etc.

3. Where forms are prescribed, any deviation therefrom, not affecting the substance, or calculated to mislead, shall not vitiate the same and forms to the like effect shall suffice.

Certain powers

4. Where the power to make by-laws, rules and regulations is conferred, it shall include the power to alter or revoke such by-laws from time to time, except by-laws which have been made for the purpose of raising money, levying assessments or striking rates.

Dates having reference to other dates

5. Where in this Act a certain date is fixed on or by which certain things are to be done or proceedings had or taken, if it appears that such date was fixed having regard to an earlier date fixed on or by which certain other things were to be done or other proceedings had or taken, then notwithstanding anything herein contained if default be made in respect of the earlier date a like delay shall be allowed in respect of the latter date.

6. If anything to be done by or under this Act or within a fixed time cannot be or is not so done, the Minister may by order from time to time appoint a further or other time for doing the same whether the time within which the same ought to have been done has or has not expired.

(2) Anything done within the time prescribed by such order shall be as valid as if it had been done within the time fixed by this Act.

ERECTION OF VILLAGES.

7. The Minister may by order, subject to the provisions of this Act, erect into a village any portion of the province, the area of which is not more than six hundred and forty acres, not in whole or in part included within the limits of any city, town or village, and containing not less than twenty-five separate buildings, each of which has been occupied continuously as a dwelling house for a period of at least one month immediately preceding the date of the petition, hereinafter referred to for the erection of such portion of the province, into a village.

8. Any such portion of the province may be erected into a village upon the receipt by the Minister of a petition in the form herein provided from at least ten persons who, if such portion of the province were erected into a village would be qualified as electors thereof. Such petition shall be dated on the first day of the month in which it is signed by the petitioners or by the first of such petitioners signing the same and shall be in the form following:

*"To the Minister of Municipal Affairs,
Edmonton, Alberta.*

"The petition of the undersigned sheweth:

"(1) That the petitioners are desirous that (here insert the description of the land proposed to be erected into a village) should be erected into a village;

"(2) That your petitioners have resided within the limits of the said portion of the province or within two miles therefrom for a period of at least one month immediately preceding the date of this petition and are the owners of land in such portion of the province, which, if such portion of the province were erected into a village, would be assessable under the provisions of The Village Act;

"(3) That your petitioners are desirous that the said portion of the province should be erected into a village. That the said area contains not less than twenty-five separate buildings each of which has been continuously occupied as a dwelling house for a period of one month immediately preceding the date of this petition.

"Dated this day of 19 . . .

"(Signed)"

(2) Such petition shall be accompanied by an affidavit of some one of the petitioners in the form following:

*"I, of
in the Province of Alberta (here insert occupation) make oath
and say:*

- "(1) That I am one of the petitioners herein named;
 "(2) That the allegations contained in the above petition are true in substance and in fact;
 "(3) That I was personally present and did see the persons named in the said petition other than myself, duly execute same;
 "(4) That (*here insert the name of the first petitioner signing*) was the first petitioner to sign the said petition and he signed the same on the.....day of.....;
 "(5) That the other petitioners signed the said petition within thirty days of the first named petitioner."

Posting
of notice

9. Upon receipt of any such petition, the Minister shall cause to be posted up within twenty four days from such receipt in three conspicuous places within the area included in the proposed village, one of which shall be the post office, if there be a post office therein and to be published in two issues of the nearest local paper a notice in the following form:

"Notice is hereby given that pursuant to the provisions of *The Village Act* in that behalf, a petition has been presented to the Minister of Municipal Affairs, praying for the erection of (*here insert the territory to be included in the proposed village*) into a village, and that all objections to the organization of such territory into a village must be filed with the said Minister on or before (*here insert date, forty days after the date of the receipt of such petition by the Minister*)."

(2) Any person may file with the Minister within a period of forty days from the date of the receipt by such Minister of the petition aforesaid, objections to the organization of such territory into a village.

Erection
of village

10. If during such period of forty days no objections are filed or if in the opinion of the Minister any objections filed do not disclose sufficient reasons against the organization of such portion of the province into a village, the Minister may by order—

- (a) Erect such portion of the province into a village and assign a name to such village;
- (b) Fix a day, hour and place for the nomination meeting for the first election of a council;
- (c) Appoint a suitable person to act as returning officer at such election;
- (d) Fix a day, hour and place for the first meeting of the council.

Effect of
publication
of notice

11. Notice of the erection of a village, giving its name and boundaries, shall be published in *The Alberta Gazette* and such notice shall be conclusive evidence of the erection of the village and of the compliance with all the provisions of this Act in regard to such erection.

ALTERATION IN BOUNDARIES OF VILLAGES.

Procedure on
disorganization

12. The Minister may by order, notice of which shall be published in *The Alberta Gazette*—

1. Annex any portion of a village to any adjoining city, town, village or rural municipality, or local improvement district; 1913 (2nd Session), c. 23, s. 1.

2. Annex to any village any outlying area adjacent thereto but not included within the limits of any city or town:

Provided, however, that no area shall be annexed to any village, the addition of which would make the area of such village more than six hundred and forty acres;

3. Alter and adjust the boundaries of two or more coterminous or adjacent villages or of a village and a coterminous or adjacent rural municipality or rural municipalities;

4. Disorganize any village.

13. If the boundaries of any village or rural municipality are altered in any manner, or if any village is disorganized as provided in the last preceding section, the Minister may provide for the settlement and adjustment of all matters arising out of such alteration or disorganization, and for the disposition of the assets and liabilities of the village or rural municipality affected. Disorganization

14. No order purporting to be made by the Minister under the provisions of section 12 of this Act shall be deemed invalid on account of any noncompliance with the provisions of this Act as preliminary to such order; and no misnomer, misdescription or omission in any such order shall in any manner suspend or impair the operation of this Act with respect to the manner misnamed, misdescribed or omitted. Validity of certain orders

15. Any misnomer, misdescription, omission or other error in any order made by the Minister under the provisions of this Act may by any subsequent order be corrected by the Minister as of the date of the original order. Correction of errors

16. Every village is hereby declared a body corporate and the name of the body corporate shall be "The Village of (*here insert the name of the Village*)."
Village a body corporate

(2) The Minister may from time to time alter the name of any village and notice of such alteration shall be published in *The Alberta Gazette* and in such case the seal theretofore used by any village shall continue to be the seal thereof until changed by the council.

17. For the purpose of defining boundaries of a village under this Act, those sides of road allowances upon which monuments or posts have been or may hereafter be placed under a survey made or to be made pursuant to *The Dominion Lands Surveys Act*, being chapter 21 of the Statutes of Canada, 1908, or any other Act of the Parliament of Canada heretofore or hereafter in force, relating to surveys, shall be the boundaries either of townships or of sections: Road allowances

Provided, however, that in the case of correction lines, the south side of the road allowance shall be the boundary and that the boundaries of all Indian reserves shall be the lines defining that side of the road allowance immediately next to such Indian reserve.

THE VILLAGE COUNCIL.

Village
councils

18. Every village shall be governed by a council consisting of three members who shall be elected annually by a general vote of the electors in the manner hereinafter provided.

Qualifica-
tions of
councillors

19. The persons eligible for election as councillors shall be the male electors of the village, who can read and write, are British subjects or have not resided long enough in Canada to comply with the conditions of qualification by residence to be naturalized, but have made a statutory declaration of their intention to become naturalized as British subjects within six months:

Provided that if any person making such declaration neglects or refuses to become naturalized as a British subject within above mentioned period, his seat in the council shall forthwith be vacated.

The said declaration shall be in the following form:

"CANDIDATE'S DECLARATION OF INTENTION.

"Canada
Province of Alberta

To Wit:

"I.....of.....
in the Province of Alberta,
(*occupation*)
do hereby solemnly declare—

"1. That I am not a British subject;

"2. That I have not resided in Canada for a sufficient period of time to comply with the conditions of qualification by residence to be naturalized, but that it is my intention to become naturalized as a British subject as soon as the conditions of qualification by residence permit me to do so;

"3. That I am in all other respects than naturalization eligible and qualified for election as councillor of a village.

"And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

"Declared before me at..... }
in the Province of Alberta, this }
.....day of..... }
191.... }

.....
A J.P., N.P., or Comr., etc."

Disquali-
fication

20. No paid official of a village, no person who has, or whose partner has an interest in any contract with or on behalf of the village, no person who has either alone or jointly with another person any claim or right of action against a village, and no person who, or whose partner is acting as counsel or solicitor in the prosecution of any claim, action, or proceeding against a village shall be qualified to be a member of the council thereof:

Provided, however, notwithstanding anything herein contained no person shall be disqualified from being a member of the council of a village merely by reason of his being a shareholder in any incorporated company having contracts or other dealings with the village, or by reason of his having a contract with the village for

the publication in a public newspaper of any advertisement, or of his having a lease of twenty-one years or upwards from the village of any property but no such leaseholder shall vote in the council on any question affecting any lease from the village, and no such person shall vote on any question affecting any company of which he is a shareholder.

21. If the first election in a village is held prior to the first day of July in any year the councillors elected at such first election shall hold office until the end of the then current calendar year, and if such first election is held subsequent to the first day of July in any year, such councillors shall hold office until the end of the calendar year next ensuing, and thereafter every member of the council shall hold office for one year. Term of office of councillors

22. Every member of the council and every other officer of the village shall before entering upon the duties of his office, make and subscribe a declaration of office in the following form: Declaration of office

"I, A.B., do solemnly promise and declare that I will truly, faithfully and impartially to the best of my knowledge and ability, execute the office (*insert the name of the office*) to which I have been elected (or appointed, as the case may be) in this village, and that I have not received any payment or remuneration or promise thereof for the exercise of any partiality, abuse or undue execution of the said office, and that I have not myself, nor has any partner of mine, either directly or indirectly, any interest in any contract with or on behalf of the said village (*here insert if such is the case*) except that arising out of the contract or the publication of an advertisement in (*here insert name of newspaper*), a public newspaper—save and excepting that arising out of my office as (*naming the office*). So help me God."

23. The council shall at its first meeting elect one of their number as chairman, who shall be known as the reeve of the village. Election of reeve

24. Every council, save as is hereinafter provided, shall hold six meetings in each year at such times and places as may be fixed by resolution. Every meeting shall be open to the public but the person presiding at any meeting may cause to be expelled or excluded any person guilty of improper conduct at such meeting: Provided that the first meeting of the council in each year shall be held on the first Monday in January, except when that Monday is a public holiday, in which case the meeting shall take place on the next subsequent day which is not a public holiday: 1913 (2nd Session), c. 23, s. 2. Meetings of council

Provided that any council elected after the first day of August in any year shall hold at least three meetings in that year.

25. A majority of the whole council shall be necessary to form a quorum and no business shall be transacted unless there be such a quorum present. Quorum

26. Every council may make rules and regulations, not contrary to law or to the provisions of this Act, for governing its proceedings, calling meetings, appointing committees, the conduct of its members during meetings and generally for the transaction of its business. Rules of procedure

27. Every member of the council present shall vote on every division unless excused by resolution of the council or unless disqualified to vote under the provisions of this Act.

28. The reeve shall preside at every meeting of the council and shall preserve order and enforce the rules of the council and in case of his absence from the meeting another councillor shall be elected to preside at such meeting, and shall have the same authority as the reeve himself would have had, had he been present at the meeting.

29. The reeve shall be the chief executive officer of the village and it shall be his duty to be vigilant and active in causing the laws governing the village to be put in force and duly executed, to inspect the conduct of all village officers and so far as may be in his power to cause all negligence, carelessness and violation of duty to be duly prosecuted and punished and to communicate from time to time to the council all such information and to recommend such measures as may tend to the betterment of the finances, health, security, cleanliness, comfort, ornamentation and prosperity of the village.

30. The reeve or any other councillor may resign his position in the council at any time, or the reeve may resign his position as reeve while retaining his position as councillor, by sending notice in writing of such resignation to the secretary-treasurer, and every such notice shall be brought to the attention of the council at its next meeting and steps shall be taken immediately by the council to fill the vacancy.

31. If after the election of any person as a member of the council, he is convicted of an offence, which under the provisions of *The Criminal Code* is punishable with death or imprisonment for three years or over, or becomes insolvent within the meaning of any Act in force in the province, or assigns his property for the benefit of his creditors, or, if not a British subject, fails to become naturalized within the time prescribed by section 19 hereof, or if, without being authorized by a resolution of the council so to do, absents himself from the meetings of such council for three consecutive months, the seat of such member in the council shall forthwith become vacant.

32. If the position of reeve becomes vacant by death, resignation or otherwise, the council shall forthwith elect some person from among its number to fill the position for the unexpired portion of the term of the council.

(2) If a seat in the council becomes vacant, by death, resignation or otherwise the council shall forthwith appoint a returning officer to hold an election to fill the vacancy and such an election shall be held as nearly as may be in the manner provided by this Act for other elections; but if such vacancy occurs after the first day of November in any year such election shall not take place.

(3) Should all the members of the council resign their seats the Minister may by order direct that an election for councillors be held, and appoint a returning officer and fix a day, hour and

place for holding the nomination meeting; and such election shall be held as nearly as may be, in the manner provided in this Act for other elections.

33. The Minister may at any time by order declare vacant ^{Appointed councillors} the seat of any and every member of the council and such seats shall upon the making of such order be vacant. The Minister may in such case, or upon the refusal or neglect of the electors of any village to elect a council, appoint a person to be known as "The Official Reeve," who shall hold office during the pleasure of the Minister, or until a new council shall have been elected under this Act, and shall during his tenure of office have all the powers and authorities and be charged with all the duties and liabilities conferred or imposed upon the council or upon any member thereof, by this Act, or any Act or Ordinance in force in the province, or any rule or regulation made thereunder. Such official reeve shall be remunerated out of the funds of the village or otherwise as the Minister may determine. 1914, c. 8, s. 2.

(2) Where an official reeve appointed under the provisions of this section dies after assuming office, or is unable through sickness or any other cause to discharge the duties of the office, or does not discharge such duties to the satisfaction of the Minister, the Minister may appoint some other person as official reeve who shall have the like powers and authorities and be charged with the like duties and liabilities as his predecessor in office. 1914, c. 8, s. 2.

(3) Where an official reeve has been appointed, the Minister may appoint a returning officer to hold an election to elect a new council, and such election shall be held in the manner as nearly as may be, as other elections under this Act. 1914, c. 8, s. 2.

34. The first council of every village shall hold office from the date of its election until the election of its successor and thereafter the council of every village shall hold office until its successor is elected and until the new council meets. 1913 (2nd Session), c. 23, s. 4. ^{Duration of office}

VILLAGE ELECTIONS.

35. At all elections after the first election, the secretary-treasurer shall be the returning officer, for the village; provided, however, that should the secretary-treasurer be unable or refuse to act as returning officer either before or after the opening of the nomination meeting the council may appoint some other person to act or continue to act as returning officer in the place and stead of the secretary-treasurer, and all things done and proceedings had or taken by such person so appointed shall have the like force and effect as if same had been done, had or taken by the secretary-treasurer acting as returning officer. ^{Returning officer}

36. The nomination meeting for the first election of the council of a village erected under this Act shall be held upon the day and hour and at the place fixed by the Minister. ^{First nomination meeting}

37. The nomination meeting for all subsequent elections of the council of the village shall be held on the first Monday of December at the hour of eight o'clock in the evening. ^{Subsequent nomination meetings}

38. The returning officer for the village shall, at least six days previous to such meeting, post up in three conspicuous places in the village, one of which shall be the post office, if there be a post office therein, a notice in the following form:

"NOTICE.

"Village of.....
 "Public notice is hereby given that a meeting of the electors of the village of....., will be held at.....on the.....day of.....19...., from eight o'clock p.m. until ten o'clock p.m. of the said day for the purpose of nominating candidates for councillors for the said village of.....for the ensuing year.
 "Dated under my hand at.....this.....day of.....19....

Returning Officer."

39. At the time and place mentioned in such notice the returning officer shall declare the meeting open for the purpose of receiving nominations of persons to serve as councillors for the village and the meeting shall remain open for such purpose until ten o'clock in the evening.

40. Every nomination shall be in writing in the form following and shall be signed by at least two electors of the village and shall be accompanied by a written statement signed by the person nominated to the effect that he is eligible for election and that he will accept the office of councillor if elected. Such nomination paper shall be in the following form:

"We, the undersigned electors of the village of.....hereby nominate (*name, residence and occupation of the person nominated*) as candidate at the election now to be held of councillors for the said municipality.

"Witness our hands this.....day of.....A.D. 19...."

41. If only the required number of candidates for councillors are nominated the returning officer shall declare such candidates duly elected to be councillors; if more than the required number of candidates are nominated the returning officer shall declare that a poll shall be held in the village and shall name the day (which shall be the same day of the week as the nomination but in the next week following) when and the place where the poll will be held.

Withdrawal

42. Any candidate nominated may withdraw at any time within forty-eight hours after the close of the nomination meeting by filing with the returning officer a declaration in writing in the following form, signed in the presence of two witnesses or the returning officer:

"I (*here insert name in full*), nominated for the office of councillor hereby withdraw my candidature for the said office."

Declaration
of returning
officer

43. If by reason of any such withdrawal or withdrawals, the number of candidates remaining in nomination for any office does not exceed the number required by this Act to be elected the

polling shall not take place but the returning officer shall forthwith declare the persons nominated to be elected and post up a notice in the following form:

"Village of.....Municipal Elections, 19.....

"Whereas.....nominated for the office of councillors have withdrawn their candidatures for the said office, leaving.....the only candidates therefor, I hereby give notice that no voting will take place on the.....day of.....(*insert here the day of polling*)."

44. If a poll is required, the returning officer shall within ^{Notice of poll} seventy-two hours of the close of the nomination meeting cause to be posted up in three conspicuous places in the village, one of which shall be the post office, if there be a post office therein, a notice in the following form:

"NOTICE OF POLL.

"Village of.....Municipal Elections, 19....

"Public notice is hereby given that an election will be held for councillors for the village of.....for the year 19...., and the polling will take place on (*here insert day of week*) the.....day of.....19...., from two o'clock p.m., to nine o'clock p.m., and that I will at.....on the.....day of.....at the hour of ten-thirty o'clock p.m. sum up the votes and declare the result of the election.

"Given under my hand at.....this.....day of.....19....

.....
Returning Officer."

45. In cases where the secretary-treasurer is not acting as returning officer he shall at least forty-eight hours before the opening of the poll furnish the returning officer with a certified copy of the last revised assessment roll of the village and of the last tax enforcement return.

46. The poll shall be kept open from two o'clock in the after- ^{Hours of polling} noon until nine o'clock in the afternoon of the same day.

47. The returning officer shall—

- (a) Set apart a portion of the room where an elector may ^{Proceeding at poll} mark his ballot without the manner in which he marks same being discovered;
- (b) Provide sufficient ballots which shall consist of plain sheets of paper as nearly as may be four inches long and two inches wide;
- (c) Provide a suitable box which shall be made of some dry durable material and shall be so constructed that the ballot papers can be deposited therein and cannot be withdrawn unless the box is unlocked.

(2) At any election held prior to the completion of the first revised assessment roll the returning officer shall upon demand give a ballot to every person who signs a declaration in the form hereinafter provided and explain to each such person the manner of voting. Such declaration shall be in the following form:

"VOTER'S DECLARATION.

"Canada:
Province of Alberta
To Wit:

"I,..... of.....
in the Province of Alberta,
(occupation)
do hereby solemnly declare—

"1. That I am of the full age of twenty-one years, and have for two months immediately prior to this date resided continuously within the village or within two miles thereof and have continuously during the said period been the owner or occupant of the land in the village assessable under the provisions of *The Village Act*.

"And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

"Declared before me at.....
in the Province of Alberta,
this..... day of.....
A.D. 19.....

.....
"A J.P., N.P., or Comr., etc."

(3) In every election after the completion of the first revised assessment roll the returning officer shall upon demand give a ballot to each elector whose name appears on the assessment roll and who appears by the tax enforcement return to have paid all taxes due up to the 31st day of December last preceding and explain to him the manner of voting:

Provided, however, that if two or more persons are assessed in respect of the same property only those first presenting themselves to vote to the number of three shall be entitled to vote.

(4) The chief resident officer of any corporation having a place of business within the village which is assessed on the last revised assessment roll as the owner of rateable land in the village and has paid all taxes due to the village up to the 31st day of December last preceding shall be entitled to vote upon making and subscribing the following oath or affirmation:

"Canada
Province of Alberta

"I,..... of the..... of.....
do solemnly and sincerely swear:

"1. That I am the chief resident officer of a corporation....
..... having a place of
business within the village of.....

"2. That I am according to law entitled to vote at this election as chief resident officer of the said corporation.

"Sworn before me at.....
in the Province of Alberta,
this..... day of.....
A.D. 19.....

.....
"A Commissioner, etc."

(5) The returning officer shall initial each ballot before delivering it to the voter.

(6) The voter shall write across the ballot the name of the candidate or candidates for whom he desires to vote, fold the ballot so as to conceal the name of the person or persons for whom he has voted and so as to expose the returning officer's initials, return the ballot paper to the returning officer and forthwith quit the polling booth.

(7) In case of any voter being unable to write, the returning officer shall mark his ballot as directed by such voter, and in the presence of all persons present in the polling place at the time.

(8) The returning officer shall immediately upon the expiration of the time fixed for taking the poll, count the ballots and declare the result of the poll, and such count shall be made in the presence of all persons present in the room at the time.

Such declaration shall be in the following form:

"I,, the undersigned returning officer for the village of, do solemnly declare that—

" of

" of

" of

were duly elected councillors for the village of

at the election held on the day of

19..., and that the following is a correct statement of the number of votes received by each of the candidates contesting the election.

.....
Returning Officer.

"Declared before me at. }
this day }
of 19.... }

.....
A Notary Public, Commissioner or J.P."

(9) The returning officer shall preserve the ballot papers and all other papers used in connection with the election until the expiration of two months from the date hereof and shall then unless otherwise ordered by a judge, forthwith burn such ballot papers or other papers.

(10) The returning officer shall make a declaration as to the result of the election in the following form:

"I, the undersigned returning officer, for the village of, do solemnly declare that—

" of

" of

" of

were duly elected councillors for the village of

at the election held on the day of

19..., and that the following is a correct statement of the number of votes received by each of the candidates contesting the election.

.....
Returning Officer.

"Declared before me at. }
this day }
of 191.... }

.....
A Notary Public, Commissioner or J.P."

48. Any person signing a declaration or casting a vote at an election under this Act, who is not entitled to vote shall be guilty of an offence and liable on summary conviction thereof to a penalty not less than \$10 nor more than \$50.

Minister
may make
regulations

49. The Minister may from time to time make such regulations as he may deem proper, not inconsistent with the provisions of this Act, in regard to the conduct of elections of village councils; such regulations may be the same for all villages or different for different villages and shall apply to all villages or to any villages, as the Minister may determine.

49a. All proceedings for contesting in any way an election or the voting on any by-law under this Act, shall be taken under the provisions of *The Controverted Municipal Elections Act. 1914*, c. 8, s. 3.

50. Every council shall at its first meeting or so soon thereafter as practicable appoint a secretary-treasurer.

51. It shall be the duty of the secretary-treasurer of the village—

- (a) To act as returning officer at every election for councillors;
- (b) To make an assessment of all rateable land in the village in the manner hereafter provided;
- (c) To attend all meetings of the council and truly record in a book without note or comment all resolutions, decisions and other proceedings of the council; and (if required by any member present) to record the name and vote of every member voting on any matter submitted;
- (d) To safely keep all the books, documents and records of the council and the originals (or duly certified copies) of all the by-laws thereof;
- (e) To collect, receive and safely keep all moneys belonging to the village from whatever source received and to pay out the same only to such persons and in such manner as is directed by law or by the by-laws of the council;
- (f) To daily, or as often as the council may direct, deposit in the name of the village in some chartered bank designated by resolution of the council all such moneys received by him; and jointly with the chairman of the village to sign all necessary cheques;
- (g) To keep and use such books of record and account as the Minister shall from time to time require him to keep and use;
- (h) To prepare and submit to the council half-yearly a correct statement of the moneys at the credit of the village.

Fee for
search

52. The secretary-treasurer shall collect a fee of twenty-five cents per lot for every search made in the assessment or tax rolls, and shall also, if required, without additional fee, give a certificate under his hand, showing whether or not all taxes due in respect of any such lot have been paid, and such fee shall form part of the general revenue of the village.

53. In case the secretary-treasurer is absent or is incapable of performing his duties the council may by resolution appoint some person to act in his place during the period of such absence or incapacity and during such period the person so appointed shall have all the powers of the secretary-treasurer. Secretary-treasurer may appoint deputy

54. The secretary-treasurer shall, before entering upon the performance of his duties, give security to the council by a bond or policy of guarantee of any corporation empowered to grant securities, bonds or policies for the integrity and faithful accounting of public officers or servants or persons occupying positions of trust, and such security shall be renewed at the beginning of each year or changed at other times whenever renewal or change is required by the council; such bond shall be in a form approved by the Minister. Secretary-treasurer to give bond

55. The council may also at any time appoint a constable for the purpose of enforcing the provisions of any by-laws of the village; such constable shall have such power with respect to the enforcement of such by-laws as might be exercised in regard to the enforcement thereof by a peace officer as defined by *The Criminal Code*. Appointment of constable

56. Every council may also appoint from time to time such other officers as it deems necessary or expedient for the purpose of carrying into effect the provisions of this Act, or any other Ordinance or Act having the force of law in the village, or any by-law of the village and may fix the remuneration of the secretary-treasurer, constable or other officer appointed. Other officials

57. A councillor shall not be eligible to be appointed to any other municipal office. Councillor not eligible for other appointment

58. The council shall not make any appointment to office or any arrangement for the discharge of the duties of any municipal office by tender, or require applicants for any municipal office to state the salary or other remuneration which they will accept. Appointment not to be by tender

59. All officers appointed by the council shall hold office until removed by the council or as expressed in the resolution by which they are appointed; and in addition to the duties assigned to them by this Act or by any general law of the province shall perform such other duties as may be required of them by the council. Duration of office

AUDITOR.

60. The council shall at its first meeting in each year or within two months thereafter appoint an auditor but no person who then is or during the preceding year was a member of the council or is or was secretary-treasurer of the village or has directly or indirectly or had during the preceding year any share or interest in any contract made by the village or who is employed by the village in any capacity except that of auditor shall be appointed; the council may appoint any incorporated company or partnership as auditor. Appointment of auditor

(a) The auditor or auditors so appointed may at least once in every three months during the year examine, audit and report upon all books and accounts affecting the village or relating to

any matter under its control or within its jurisdiction, and after the examination of every account, voucher, receipt and paid debenture shall stamp thereon in indelible letters the word "audited" and initial the same. 1913 (2nd Session), c. 23, s. 5.

(b) The auditor shall on every occasion write a special report respecting all expenditures made contrary to law, by-law or resolution and shall deliver the said report to the reeve, who shall lay the same before the council at its next meeting. 1913 (2nd Session), c. 23, s. 5.

Auditor's
statement

61. On or before the 15th day of November in each year the auditor or auditors shall prepare in such form as the Minister may direct, and on or before the 1st day of December the secretary-treasurer shall cause to be printed in such quantity as the Minister shall direct, an abstract of the receipts, expenditures, assets and liabilities of the village up to the preceding 31st day of October, including a statement showing the total amount of debentures authorized to be issued, the debentures actually issued, those actually sold or otherwise disposed of and how disposed of and those remaining on hand. 1913 (2nd Session), c. 23, s. 6.

(2) On or before the 1st day of March in each year the auditor or auditors shall prepare in such form as the Minister may direct an abstract of the receipts, expenditures, assets, and liabilities of the village for the financial year ending on the 31st day of December of the preceding year, including a statement showing the total amount of debentures authorized to be issued, the debentures actually issued, those actually sold or otherwise and how disposed of and those remaining on hand. He shall make a special report respecting any expenditures made contrary to law, he shall deliver the said abstract and report to the reeve, who shall lay the same before the council at its next meeting and the council shall on or before the 1st day of April in each year cause the said abstract and report or a synopsis thereof to be published in some newspaper published in the village, or if there is no newspaper published therein in the newspaper the publication of which is nearest thereto, and shall cause a copy of such abstract and report to be forwarded to the Minister. 1913 (2nd Session), c. 23, s. 6.

(3) The financial year of the village shall commence on the 1st day of January and close on the 31st day of December in each year. 1913 (2nd Session), c. 23, s. 6.

Auditor's
declaration

62. The declaration of office to be made and subscribed by every auditor shall be as follows:

"I, A.B., having been appointed to the office of auditor for the village of No. do hereby promise and declare that I will faithfully perform the duties of the said office according to the best of my judgment and ability and I do solemnly declare that I have not directly or indirectly any share or interest whatever in any contract or employment (except that of auditor) with, by or on behalf of the village. So help me God.
"Declared before me at
this day of
A.D. 19

A Commr., etc., N.P., or J.P."

63. The council of every village may pass by-laws not inconsistent with any law or regulation having the force of law in this province for all or any of the following purposes:

1. Raising its revenue by assessment on land;
2. Borrowing from any bank or person such sums of money as may be required to meet the current expenditure of the village until such time as the taxes for the current year are available; provided that the total amount so borrowed shall not exceed sixty per cent. of the total amount of taxes of the village for the preceding year; provided further that no amount shall be borrowed for any such purposes during the first year after the erection of the village unless with the consent of the Minister;
3. Providing for the health of the village and the prevention of the spread of infectious and contagious diseases;
4. Granting aid for the erection and maintenance of hospitals within or without the village, or engaging such nurses as may be deemed necessary, at any time to provide for the care of the indigent sick; Powers of council
Appointment of nurses
5. Granting aid or relief to any needy person who is a resident of the village; Granting aid to indigent persons
6. Providing for planting and protecting trees on highways and public places; Planting trees
7. Imposing penalties for light weight and short measurement; Light weight
8. Restraining and regulating the running at large of dogs and imposing a tax on the owners, possessors or harbourers of dogs and killing of dogs running at large. Dogs
9. Preventing prairie or running fires and making provisions for the enforcement of *The Prairie Fires Ordinance*, or any Act passed in amendment or substitution thereof; Prairie fire
10. Regulating the storage of gunpowder and other combustibles, explosive or dangerous materials within the village;
11. Taking the census of the village; Census
12. Granting aid to any incorporated mechanics' or literary institute; Aid
13. Naming and numbering the streets and avenues and changing the names and numbers of any of them of streets and avenues now existing or hereafter laid out; Naming streets
14. Regulating the rate or pace of riding or driving any vehicle other than a motor vehicle within the village; Regulating speed of vehicles
15. Preventing the encumbrance or obstruction of roads, streets, highways or other places by vehicles or otherwise; Preventing obstruction of roads
16. Making provision for regulating the use of bridges and culverts within the village by portable engines or traction engines; Regulating use of bridges
17. Preventing or controlling the erection or use of the bill boards for advertising purposes, whether the notices be printed or otherwise displayed; Bill boards, etc.
18. Regulating the driving and riding of horses and cattle on highways and public bridges and preventing racing, immoderate or dangerous driving or riding on the highways and public bridges, and making provision for the carrying out of any provincial law respecting the same; Racing on highways
19. Regulating and controlling the use of wells and other sources of supply of water for the village and fixing rates to be paid therefor and preventing the putting of anything prejudicial to health in any stream or any body of water from which water is taken for use within the village; Wells

Doors in
public
buildings

20. Regulating the size, structure and number and location of doors in churches, halls, schools, or other places of public meeting or places of amusement and also the size and structure of stairs and stair railings in all such buildings;

Cleaning
snow

21. Compelling persons to remove and clear away all snow, ice, dirt and other obstructions from the sidewalks adjoining the premises owned or occupied by them;

Cleaning
sidewalks

22. Providing for the clearing of sidewalks adjoining property of nonresidents and all other persons who for twenty-four hours neglect to clean the same and in case of nonpayment of the expenses thereof by the owner or occupant charging the same against the property as a special assessment to be recovered in like manner as and with other taxes;

Bill posters

23. Regulating and licensing billposters and preventing the erection, pulling down and defacing of sign-boards and billboards, or printed or other notices lawfully affixed, and for preventing the defacing of private or other property by printed or other notices;

Quality of
bread

24. Fixing the quality and weight of bread offered for sale or sold within the village and making and enforcing regulations for the sanitary condition of bakehouses and bakeries;

Public
scales
Slaughter
houses

25. The establishment of public scales;

26. Preventing the erection and use of slaughter houses within the limits of the village and compelling the removal of any slaughter house from within the limits of the village;

Scavenging

27. Making provision for the proper scavenging of the village and licensing and regulating scavengers and fixing a tariff of fees to be charged by scavengers;

Licensing,
etc., pool
rooms

28. Licensing, regulating and governing all persons who for gain or hire, directly or indirectly, keep or have in their possession, on their premises or under their control, any pool, billiard or bagatelle table in a place of public entertainment, whether such pool, billiard or bagatelle table be used or not, but if any such person is required to take out a provincial license therefor, a license shall not be issued hereunder unless such person is the holder of such provincial license; and for regulating and governing all persons who use or frequent premises where any pool, billiard, or bagatelle table is so kept; 1914, c. 8, s. 4.

(b) Licensing, regulating and governing public bowling alleys but if a provincial license is required in respect thereof, a license hereunder shall not be issued, unless such provincial license has been taken out, and regulating and governing all persons who use or frequent same; 1914, c. 8, s. 4.

29. Controlling, regulating and licensing livery, feed and sales stables; automobile liveries; real estate dealers and agents; money lenders, intelligence office or employment office or agents; butcher shop or stalls; skating, roller or curling rinks; persons selling goods, wares or merchandise, or other effects of any kind whatsoever, or offering the same for sale as samples, cards, specimens or otherwise for or on account of any merchant, manufacturer or other person selling direct to the consumer not having his principal place of business in the town and collecting license for the same; 1913 (2nd Session), c. 23, s. 7.

(b) Licensing porters, water dealers, milk dealers or carriers or common carriers, draymen, hackmen, omnibus drivers and all persons performing work with horses or mules within the

town for hire and regulating the same and fixing a schedule of fees to be charged by the same;

30. Controlling and regulating pawnshops, junk stores or shops and second hand stores or shops and fixing the amount to be paid for licenses for the same and the time such license shall be in force; Pawnshops, etc.

31. Compelling the destruction of noxious weeds and plants by the owner or occupant of the premises upon which the same may be grown or standing or in default destroying or removing the same and charging the expenses so incurred as taxes against such premises for the current year; Noxious weeds, etc.

32. Directing the removal of doorsteps, porches, railings or other obstructions projecting into or over any road or other public communications at the expense of the proprietor or occupant of the property connected with which such projections are found, and assessing the costs thereof if not paid against such property; Removal of projecting door-steps

33. Prohibiting the discharging of firearms or explosives in the village, and preventing or controlling the storage of gun-powder or other explosive or dangerous material within the boundaries of the village; Discharge of fire-arms

34. Licensing, regulating and governing auctioneers, hawkers or pedlars and transient traders, but a village license shall not be granted to any auctioneer, hawker or pedlar unless the applicant is the holder of a provincial license for auctioneers, hawkers or pedlars, as the case may be. 1914, c. 8, s. 4. Hawkers and pedlars

35. Preventing or regulating and licensing exhibitors of wax works, menageries, circuses, shows, theatres, caravans, and requiring the payment of license fees for authorizing the same not exceeding \$250 per day and for imposing fines on persons for infringing such by-laws to the amount of \$50 over and above the amount of the license fee; provided such fine and costs and fee may be levied by sale of the goods of the showman or the goods belonging to or used in connection with the show or exhibition whether owned by the showman or not and in addition the offender may be imprisoned for three months; a license shall not be issued to any person hereunder, unless such person is the holder of provincial license therefor, if any such license is required; 1914, c. 8, s. 4. Circuses

36. Licensing, regulating and governing exhibitions held or kept for hire or profit, halls, opera houses, moving picture theatres, and other places of amusement, but if a provincial license is required in respect thereof, a license hereunder shall not be issued unless such provincial license has been taken out; 1914, c. 8, s. 4. Licensing places of amusement

37. Establishing a fire department, appointing the officers thereof, regulating and providing their remuneration and prescribing their duties; and providing protection from fire by the purchase of engines and equipment and the building of fire halls; Fire department

38. Compelling the inhabitants to assist in extinguishing fires; Fire halls

39. Regulating the erection and repair of buildings and their distance from streets and lanes and preventing the erection of wooden buildings or additions thereto and wooden fences in specified parts of the village and prohibiting the erection or placing of buildings other than with main walls of brick, iron, concrete or stone and roofing of incombustible material within defined areas of the village and regulating the construction and dimensions of chimneys and enforcing the proper cleaning of the Extinguishing fires
Repair of buildings

same and authorizing the pulling down or removal at the expense of the owner thereof of any building or erection which may be constructed or placed in contravention of any by-law prohibiting the maintenance or erection of any building used or to be used as a livery, feed or sale stable, blacksmith shop, laundry, implement warehouse, creamery or lumber, coal or wood shed in such parts of the village as the council may designate;

Fire
escapes

40. Providing for and regulating the construction and maintenance upon all buildings more than two storeys in height of a sufficient number of proper ladders, fire balconies and fire escapes;

Size of
beams, etc.

41. Regulating the size and strength of walls, beams, joists, rafters, roofs, and other supports in all buildings within the village;

Fire
protection

42. Generally establishing such measures as the safety and welfare of the town may require for the prevention and extinguishment of fires; notwithstanding any other provisions of this Act;

Acquiring
landed
property

43. Subject to the approval of the Minister acquiring any estate in landed property within or without the village for a public park, garden or walk or for exhibition grounds; and for the disposal thereof when no longer required for the purpose or when the council of the village may deem it advisable to dispose of the same; and for accepting and taking charge of landed property within the village dedicated for a public park, garden or walk for the use of the inhabitants of the village;

Erection of
buildings
and fences

44. The erection of buildings and fences for the purpose of such garden, walk or place for exhibitions as the council deems necessary;

Management
of parks

45. The management of such park, garden, walk or place for exhibitions and building;

Cemeteries

46. Purchasing, maintaining and controlling a cemetery outside of the village and preventing the burial of the dead within the village:

Provided that the Provisions of the *Cemetery Ordinance* shall apply *mutatis mutandis* to any cemetery so acquired;

Regulating
children
at night

47. (*Repealed*—1913 (2nd Session), c. 23, s. 9.)

48. Regulating the time at which children shall not be in a public place at night without proper guardianship, and the age or apparent age of boys and girls respectively under which they shall be required to be in their homes at the hours appointed;

Roads,
bridges, etc.

49. Laying out, constructing, repairing and maintaining roads, streets, alleys, by-ways, bridges, culverts, sidewalks and any other necessary public work in the interest and for the use of the village;

Acquiring
parks, etc.

50. Subject to the approval of the Minister entering upon, taking, using and acquiring for the use of the village so much real property within or without the village as may be required for a village park, recreation ground, exhibition ground, nuisance ground, cemetery site or fire hall, making due compensation to the owners thereof; and in the event of such compensation not being mutually agreed upon by the parties concerned the amount thereof shall be determined by arbitration under *The Arbitration Act*, being chapter 6 of the Statutes of Alberta, 1909; or any Act passed in amendment or substitution thereof; and for disposing of such property when no longer required for the purpose of the village:

Provided, however, that no expenditure of more than \$300 shall be incurred for any such purpose in any one year; 1914, c. 8, s. 4.

51. Subject to the provisions of *The Public Health Act*,^{Sewers, etc.} constructing and controlling such sewers, drains and ditches within or without the bounds of the village as may be expedient to secure the proper drainage of the village and the disposal of the sewerage thereof;

52. Building, erecting, buying, leasing, controlling and operating^{Waterworks, etc.} any waterworks plant, subject to the provisions of *The Public Works Act*;

53. Making provision for the supply of water for the village^{Water supply} or any portion thereof for irrigation or domestic purposes;

54. Acquiring, erecting, establishing and operating skating^{Skating and curling rinks} rinks and curling rinks and acquiring land within or without the village for the purposes of the same;

55. Erecting lockups, weigh houses and municipal buildings;

56. Preventing the obstruction of the halls, aisles, passage ways,^{Preventing obstructions in aisles, etc.} alleys or approaches in any church, theatre, hall, or other place of public meeting during the occupation of the same for a public assemblage;

57. Installing, maintaining and operating any ferry whereso-^{Ferries} ever situated licensed under the provisions of *The Public Works Act*;

58. The prevention of cruelty to animals.

64. No council of any municipality shall have power to grant^{Bonusing prohibited} a bonus or any other aid to any person, company or corporation, for the construction, establishment, or operation of any manufactory, mill, railway, or any other business or concern whatever, either within or without the municipality.

(2) To exempt from taxation any such manufactory, mill, railway or other business or concern nor to subscribe for stock in or to guarantee the bonds, debentures or other securities thereof.

65. The council of any village shall make due provision for^{Village to make provision for care of sick} the care and treatment of any person who is a resident of the village for at least thirty days who falls ill and who for financial reasons or otherwise is incapable of procuring the necessary medical attendance and treatment.

(2) If any such person is admitted as a patient by any hospital^{Hospital may collect from village} which receives aid from the general revenue of the province the board of such hospital may demand and collect from the council a sum not exceeding seventy-five cents per day for each days' actual treatment and stay of the patient in such hospital. 1913 (2nd Session), c. 23, s. 10.

66. Any such sums paid by the village to the hospital may be^{Village may collect from patient} recovered from the said patient by action or by distraint by the secretary-treasurer of the village or if deemed advisable it may be added to and form part of the taxes levied by the village against any land owned by the said patient and shall be collected in the same manner as all other taxes, and the same penalties for nonpayment thereof may be collected, as in the case of all other taxes, and in the event of the death of the said patient the council may recover the amount of such taxes, including any such penalties, from his estate, if any.

67. Notwithstanding anything contained in the two next preceding sections the council of any village may if it thinks proper enter into an agreement with the board of any hospital whereby such board will undertake to care for and treat such patients for such annual sum and subject to such conditions and restrictions as may be agreed upon.

Work may
be done
at expense
of person
in default

68. When the council has authority to direct by by-law that any matter or thing shall be done by any person the council may also direct by the same or another by-law that in default of its being done by such person such matter or thing shall be done at the expense of the person in default and the village may recover the expense thereof with costs by action in any court of competent jurisdiction or in like manner as municipal taxes.

QUASHING BY-LAWS.

Quashing
by-laws

69. Any elector of the village may apply to the judge upon motion to quash any by-law, order or resolution of the council in whole or in part for illegality; and the judge upon such motion may quash the by-law, order or resolution in whole or in part and may according to the result of the application award costs for or against the village and may determine the scale of such costs.

(2) Notice of the motion shall be served at least seven clear days before the day on which the motion is to be made.

(3) The by-law, order or resolution may be proved by the production of a copy thereof written or printed without erasure or interlineation and under the seal of the village certified to be a true copy by the secretary and a member of the council; and the secretary shall deliver such copy upon payment of a fee therefor at the rate of ten cents for every hundred words.

(4) Before any such motion is made the applicant or in case the applicant is a company some person on its behalf shall enter into a recognizance before the judge himself in the sum of \$100 and two sureties each in the sum of \$50 conditioned to prosecute the motion with effect and to pay any costs which may be awarded against the applicant.

(5) The judge may allow the said recognizance upon the sureties entering into proper affidavits of justification and thereupon the same shall be filed in the District Court with the other papers relating to the motion.

(6) In lieu of the recognizance mentioned in subsections (4) and (5) of this section the applicant may pay into court the sum of \$100 as security for any costs which may be awarded against him and the certificate of such payment into court having been made shall be filed in the District Court with the other papers relating to the motion.

(7) Upon the determination of the proceedings the judge may order the money so paid into court to be applied in the payment of costs, to be paid out to the applicant in the discretion of the judge according to the result of the application.

(8) All moneys required to be paid into or out of court under this section shall be paid in and paid out in like manner as moneys are paid into and out of court in actions pending in the said court.

(9) No application to quash a by-law, order or resolution in whole or in part shall be entertained unless the application is made within two months from the passing of the by-law, order or resolution, except in the case of a by-law requiring the assent of the electors, where the by-law has not been submitted to or has not received the assent of the electors, in which case an application to quash a by-law may be made at any time.

70. Any by-law which has been procured to be passed through or by means of any violation of the provisions of sections 4 and 5 of *The Controverted Municipal Elections Act* may be quashed upon an application made in conformity with the provisions therein contained. By-laws contrary to Controverted Municipal Elections Act

71. The title to all public roads, highways, streets and lanes of any village shall be vested in the Crown and all such public roads, highways, streets and lanes shall be subject to the control and management of the council of the village, subject to the provisions of section 7, chapter 10 of the Statutes of Alberta, 1906, being *The Public Works Act*. 1913 (2nd Session), c. 23, s. 11. Control of highways and public places

72. The Minister of Public Works shall at all times have the right to enter any village and every public road, highway or other public place therein for the purpose of constructing, maintaining or repairing any public work, as defined by *The Public Works Act*, and the Minister of Railways and Telephones shall have at all times the right to enter any village and every public road, highway or other public place therein for the purpose of constructing, extending, erecting, maintaining or repairing any part of the government telephone or telegraph system, or systems or any appliance used in connection therewith, and for any or all of these purposes every public road, highway or other public place or that part or parts thereof on which such work is being carried on shall until such work is completed be under the direction, control and management of whichever of the said Ministers shall have charge of such work. Powers of certain Ministers

73. Every council shall keep in repair all bridges, roads, culverts and ferries and the approaches thereto which have been constructed or provided by the village, or by any person with the permission of a council, or which if constructed or provided by the province have been transferred to the control of the council by written notice to that effect and in default of the council to keep the same in repair the village shall be liable for all damages sustained by any person by reason thereof. 1914, c. 8, s. 5. Duties of council in regard to roads

74. No action shall be brought under the provisions of the next preceding section except within six months from the date upon which the cause of action arose and unless notice in writing of the accident shall have been mailed to or served upon the secretary-treasurer of the village within one month after the date upon which the cause of action arose: Limitation of action

Provided that in case of the death of the person injured or if the court or judge before whom the action is tried considers that there is a reasonable excuse for the want or insufficiency of such notice and that the defendants have not thereby been prejudiced in their defence, the want of notice required under this section shall be no bar to the maintenance of this action.

75. On receipt of a resolution of the council, requesting him so to do, together with a petition in the form approved by the Minister from a majority of the electors, who are at the date of the petition resident within the village or within two miles of the boundaries thereof, in support of such resolution the signatures to which petition shall be verified by statutory declaration, the Minister may authorize the council to enter into a contract upon such terms as may be approved by the Minister with any person for the supply of water to the village for irrigation or domestic purposes by means or irrigation canals or otherwise and for the purpose of the distribution of such water, to employ a water-master and fix his remuneration.

(2) Such petition shall be dated the first day of the month on which it is signed by the petitioners or by the first of such petitioners signing the same and every petitioner shall sign the same within thirty days after the date upon which the first petitioner signed same.

The petition shall be in the following form:

"To the Minister of Municipal Affairs for the Province of Alberta:

"The petition of the undersigned sheweth:

"(1) That your petitioners are desirous that you should authorize the council to enter into a contract with..... in the province of....., on the terms set forth in the resolution of the council passed on the..... day of..... 19....

"(2) That your petitioners constitute a majority of the electors of the village who are at the date of the petition resident within the village or within two miles of the boundaries thereof."

Every such petition shall be accompanied by a statutory declaration in the following form:

"I,..... of..... do solemnly declare—

"1. That I am one of the petitioners above named;

"2. That the said petitioners constitute a majority of the number of electors of the said village who are at the date of the said petition resident within the village or within two miles of the boundaries thereof;

"3. That I was personally present and did see each of such persons sign the said petition;

"4. That..... is the first of such petitioners to sign;

"5. That each of such petitioners signed the said petition within thirty days after the date upon which the said first petitioner signed same.

"And I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of The Canada Evidence Act.

*"Declared before me at..... }
in the province of..... }
the..... day of..... 19.. }*

*.....
A Commissioner, etc."*

Borrowing
powers

76. The minister on receipt of a resolution of the council requesting him so to do, together with a petition in a form approved by the Minister from a majority of the electors who are at the date of the petition resident within the village or within two

miles of the boundaries thereof, in support of such resolution, the signatures to which petition shall be verified by statutory declaration, may authorize the council of the village to incur a debt on behalf of the village to an amount not exceeding ten per cent. of the value of the assessed land in the village as shown by the last revised assessment roll for any or all of the following purposes:

- (a) The construction of roads, bridges, ferries or sidewalks;
- (b) The purchase or other acquisition of any land, right-of-way, easement or other interest in any land for the use of the village for any purpose authorized by this Act;
- (c) The purchase of fire engines, fire-halls and equipment;
- (d) The construction, alteration, operation or extension of any system of water-works or system of water purification or any common sewer or of any system of sewerage or sewage disposal or purification, subject to the provisions of *The Public Health Act*;
- (e) The purchase, erection, improvement, alteration, extension or furnishing for the use of the village of any building, which the council is authorized by this Act to purchase, erect, improve, alter, extend or furnish;
- (f) For any purpose necessary and incidental to the proper accomplishment of the foregoing objects.

(2) Such petition shall be dated the first day of the month on which it is signed by the petitioners or by the first of such petitioners signing the same and every petitioner shall sign the same within thirty days after the date upon which the first petitioner signed same.

Such petition shall be in the following form:

"To the Minister of Municipal Affairs of the Province of Alberta:

"The petition of the undersigned sheweth:

"(1) That your petitioners are desirous that you should authorize the council of the village to incur a debt on behalf of the village to an amount not exceeding (here insert briefly the purpose for which the debt is to be incurred) in accordance with the resolution of the council passed on the day of 19

"(2) That your petitioners constitute a majority of the electors of the village who are at the date of the petition resident within the village or within two miles of the boundaries thereof."

Every such petition shall be accompanied by a statutory declaration in the following form:

"I, of do solemnly declare—

"(1) That I am one of the petitioners above named;

"(2) That the said petitioners constitute a majority of the number of electors of the said village who are at the date of the said petition resident within the village or within two miles of the boundaries thereof;

"(3) That I was personally present and did see each of such persons sign the said petition;

"(4) That was the first of such petitioners to sign same;

"(5) That each of such petitioners signed the said petition within thirty days after the date upon which the said first petitioner signed same;

"And I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

"Declared before me at..... }
in the Province of..... }
the.....day of.....19.. }

.....
A Commissioner, etc."

77. The Minister may in writing, upon being satisfied that the several requirements of this Act have been substantially complied with, authorize the council to borrow by way of debenture the sum or sums of money mentioned in the by-law or any less sum; and notice of such authorization shall be published in *The Alberta Gazette* and such notice shall be conclusive evidence of the authorization of the loan and that all the acts and proceedings necessary or incidental to the obtaining of such sanction have been had or taken in the manner required by this Act and such authorization shall not be questioned for any cause in any court of law.

Issue of
debentures

78. Whenever the council of any village is authorized by the Minister to borrow any sum of money as provided by section 77 hereof the council may thereupon issue a debenture or debentures to secure the amount of the principal and the interest of the loan so authorized or of any less sum upon the terms specified in the by-law; and the debenture or debentures when signed by the reeve and secretary-treasurer of the village and sealed with the corporate seal thereof and the coupons thereto attached when signed by the reeve and the secretary-treasurer of the village, shall when the Minister or his deputy shall have countersigned the debenture as hereinafter provided be sufficient, notwithstanding anything in this Act to the contrary, to bind the village and create a charge or lien upon all village property and rates and taxes in the village. 1913 (2nd Session), c. 23, s. 13.

(2) The signatures on such coupons may be engraved or lithographed.

Form of
debentures

(3) Every debenture issued by any village may be in the following form or to the like effect:

"\$..... Debenture No.....
"The Village of.....No.....
promises to pay to the bearer at the.....
at.....the sum of.....dollars
of lawful money of Canada in.....equal consecutive
annual instalments with interest at the rate of.....per
centum per annum on the terms and in the amounts specified in
the coupons attached hereto.

"Dated this.....day of.....19....

".....
Reeve.

".....
Secretary-Treasurer.

"(Corporate Seal).

"Coupons."

"Coupon No. Debenture No.
 "The Village of No.
 will pay to the bearer at the at
 on the day of 19...., the sum
 of dollars, being the instalment
 of principal with the total interest at the rate of per
 centum per annum due on that date on village debenture No.

"
Reeve.

"
Secretary-Treasurer."

"(Corporate Seal).

79. Any debentures or coupons for the interest thereof issued under the provisions of this Act may be made payable in gold or its equivalent of lawful money of Canada or of Great Britain at a bank to be named in any part of Great Britain, the United States of America or Canada. Debentures payable in different currencies

(2) Any debenture under this Act may be in any other form approved by the Minister or may provide for the payment of principal or interest secured thereby in any other manner approved by the Minister.

(3) Debentures shall not carry interest at a greater rate than six per cent. per annum. Rate of interest

(4) Debentures issued for the payment of the construction of iron, steel or concrete bridges shall not run for a longer period than thirty years, and other debentures shall not, except as herein provided, run for a longer period than twenty years. Time of debentures

(5) The secretary-treasurer shall open and keep a book to be known as the "debenture register". In the said book there shall be entered particulars of every by-law authorizing the issue of debentures and of all debentures issued thereunder and every debenture issued shall have written, printed or stamped thereon a memorandum signed by the treasurer with the proper particulars inserted therein in the following form:

"Registered in the debenture register as number
 under by-law number this day of
 A.D. 19...." 1913 (2nd Session), c. 23, s. 14.

80. The Minister or his deputy shall, if satisfied that the requirements of this Act have been substantially complied with and if the authority to make the loan has not been withdrawn, register and countersign every debenture issued under the authority of this Act, and such countersigning by the Minister or his deputy shall be conclusive evidence that the village has been legally constituted and that all the requirements of this Act in respect to such loan and the issue of such debentures have been complied with and the legality of the issue of such debenture shall be thereby conclusively established and its validity shall not be questioned by any court; but the same shall to the extent of the revenues of the village issuing the same be a good and indefeasible security in the hands of any *bona fide* holder thereof. 1913 (2nd Session), c. 23, s. 15. Debentures to be countersigned by Minister

VILLAGE ASSESSMENT AND TAXATION.

[NOTE.—Sections 81-126 inclusive apply as though in force on 1st January, 1913. See sec. 160 *infra*.]

Taxes to
be levied
rateably

81. All village taxes shall be levied equally upon all rateable land in the village according to the assessed value of such land and it shall be the duty of the secretary-treasurer to make an assessment of such land in the village in the manner hereinafter provided.

Exemptions

82. In every village all land shall be liable to assessment and taxation subject to the following exemptions:

1. The interest of the Crown in any land, including any land held in trust for the Crown;

2. Land specially exempted by law or held for the public use of the Province of Alberta;

3. All lands held by or in trust for the use of any tribe of Indians;

4. If any land mentioned in the last three preceding clauses is occupied by any person, otherwise than in an official capacity, the occupant shall be assessed therefor in the same manner other than being described as "occupant" instead of "owner" as if he were the owner of such lands;

5. The land upon which there is erected any building used for church purposes and *not used for any other purpose for hire or reward* and the lands attached to or *bona fide* used in connection therewith, not exceeding one-half acre;

6. The land not exceeding four acres and attached to or otherwise *bona fide* used in connection with and for the purpose of every school established under the provisions of *The School Ordinance* or any Act passed in amendment thereof or substitution therefor;

7. The land belonging to the village and used only for village purposes;

8. The land vested in any library board established under the provisions of *The Public Libraries Act*, being chapter 17 of the Statutes of Alberta, 1907, or any Act passed in amendment or substitution thereof;

9. The land used by agricultural societies organized under *The Agricultural Societies Ordinance*, or any Act passed in amendment or substitution thereof;

10. The land attached to and used in connection with any hospital which receives aid from the province under the provisions of *The Hospital Ordinance*, or any Act passed in amendment or substitution thereof;

11. The land used for a public cemetery, not exceeding twenty-five acres.

Manner of
assessment

83. Land shall be assessed at its actual cash value as it would be appraised in payment of a just debt from a solvent debtor, exclusive of the value of any buildings thereon or of any other increase in the value thereof caused by any other expenditure of labour or capital thereon.

(2) If the value at which any land has been assessed appears to be more or less than the true value, the amount of the assessment shall nevertheless not be varied on appeal if the value at which such land is assessed bears a fair and just relation to the value at which other lands in the immediate vicinity thereof are assessed.

(3) Whenever two or more persons are as business partners ^{Joint tenants} joint tenants, tenants in common or any other kind of joint interest the owners of any land liable to taxation hereunder the name of each such person shall be entered on the assessment roll in respect of his interest in said land; always providing that the qualification of each joint owner shall be equal in value to that of the lowest sole owner on the assessment roll.

84. The secretary-treasurer shall complete his assessment roll ^{Contents of assessment roll} as soon as possible in each year but not later in any event than the thirty-first day of May and shall prepare an assessment roll, which shall set out as clearly as may be—

(a) The name of the “owner” and in case the land is exempt from taxation under this Act, the name of the “occupant” thereof and the post office address, if known, of any such owner and occupant;

(b) A brief description of each such lot or parcel of land, the number of acres which it contains, the nature of the interest therein of each person assessed in respect thereof and the assessed value of such interest.

(2) Such assessment roll shall be in such form as may be from time to time prescribed by the Minister.

85. It shall be the duty of every person whose land is assessable to give to the assessor all information necessary to enable him ^{Information to be given assessor} to make up the roll; but no statement made by any such person shall bind the assessor or shall excuse him from making inquiry as to its correctness.

(2) Any person who refuses upon demand to give such information to the assessor or wilfully furnishes to the assessor false information shall be liable on summary conviction to a penalty not exceeding \$10.

86. If the name of the owner or occupant of any property ^{Unoccupied land} in the village be not known and cannot be ascertained by the secretary-treasurer, the assessment notice shall be posted up in three conspicuous places in the village, one of which shall be the post office and such posting shall be considered good and sufficient service thereof.

87. If any assessor makes fraudulent assessment or wilfully ^{Penalty for falsifying roll} or fraudulently inserts in the assessment roll the name of any person who should not be entered therein or wilfully or fraudulently omits the name of any person who should be inserted therein or wilfully neglects any duty required of him by this Act he shall be liable to a penalty not exceeding \$100.

88. Upon the completion of the assessment roll the secretary-treasurer shall forthwith personally deliver or mail to each person ^{Mailing of notices} a notice of his assessment and the entry of the date of the mailing of such notice followed by the initials of the assessor shall be *prima facie* evidence of the mailing of such notice on the date entered without proof of the appointment or signature of the assessor and the absence of such date and initials shall be *prima facie* evidence that the person's address is unknown. 1914, c. 8, s. 6.

89. The assessor shall also within two weeks after the completion of the said roll post up in at least three conspicuous places within the village, one of which shall be the post office, if there be a post office within the village, a notice in the following form: "Village of No.

Assessment Roll, 19. . . .

"Notice is hereby given that the assessment roll of the Village of for the year 19. . . . has been prepared and is now open for inspection at the office of the secretary-treasurer of the village from ten o'clock in the forenoon until four o'clock in the afternoon on every day not a public holiday except Saturday (and on that day from ten o'clock in the forenoon until twelve o'clock noon) and that any ratepayer who desires to object to the assessment of himself or any other person must within twenty days after the date of this notice lodge a complaint in writing with the secretary-treasurer of the village.

"Dated this. day of 19. . . .

Secretary-Treasurer."

Form of
notice of
assessment

90. Every notice of assessment given as provided in section 88 hereof shall be in such form as may be prescribed from time to time by the Minister; and every such notice shall contain a statement of the last date upon which complaints may be lodged with the secretary-treasurer as fixed by the public notice given under section 89 hereof.

Irregularity
not to
invalidate

91. No assessment shall be invalidated by reason of any error, omission, or misdescription in any assessment notice or by reason of the non-transmission thereof or non-receipt of such notice by the person to whom it was addressed.

Complaints
against
assessment

92. If any person thinks that he or any other person has been wrongly assessed or assessed too high or too low or that his name or the name of any other person has been wrongly inserted in or omitted from the roll he may within the time limited as aforesaid lodge a complaint with the secretary-treasurer of the village and every such complaint shall contain a post office address to which any notice required may be sent to the complainant.

Council to
be court of
revision

93. The council of the village shall be the court of revision to hear assessment appeals and the secretary-treasurer shall attend such court and shall be the clerk and secretary of the council sitting as a court of revision.

Duties and
power of
secretary-
treasurer

94. The secretary-treasurer, at least ten days before the date fixed by the council for holding its sittings as a court of revision, shall notify each person who is affected or may be affected, by any appeal, to be heard by such court of revision, of the time, hour and place of such sittings; and the secretary-treasurer shall have power to issue a summons to any person to attend the court of revision as witness and if any person so summoned having been tendered compensation for his time at the rate of \$1 per day and mileage at the rate of ten cents per mile (both ways) where a railway is not available, or actual railway fare (both ways) where a railway is available, disobeys such summons he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$50.

(2) The appeals shall be heard as far as possible in the order in which they stand upon the said list; but the council may adjourn or expedite the hearing of any appeal. Appeals to be heard in order

(3) If the appellant or any other person whose assessment is affected or may be affected by the result of the appeal fails to appear in person or by an agent the council may proceed in his absence. Presence of appellant not necessary

95. It shall not be necessary to hear upon oath the complainant or assessor or the person complained against except where the council deems it necessary or proper or where the evidence of the person is tendered on his own behalf or is required by the opposite party. Evidence of assessor, etc., not necessary

(2) All oaths necessary to be administered to witnesses giving evidence before the council may be administered by any member of the council hearing the appeal.

96. All the duties of the council as a court of revision shall be completed by the first day of September and no appeal to the council shall be heard after that date except as provided in section 94 hereof. Completion of duties as court of revision

97. The council sitting as a court of revision shall have power to alter and amend the roll as it may deem proper and the roll so amended shall be the assessment roll of the village; provided, however, that there shall be a right of appeal from any decision of the court of revision to a judge. Powers of council

98. An appeal to a judge shall lie not only against the decision of the court of revision on an appeal but also against the omission, neglect or refusal of the said court to hear or decide an appeal to it. Appeal to judge

(2) On hearing of any such appeal if it is made to appear to the judge that land situated in any village school district but outside the limits of the village municipality has been assessed at a higher relative value than land within such municipality he may order that a percentage of reduction be made in the assessed value of all lands so situated outside the limits of such municipality so that justice may be done in the school district as between the ratepayers inside and outside the limits of the village municipality.

The judge shall have further power upon the hearing of any such appeal if he is of the opinion that the assessment is so inequable that substantial justice cannot be done by adjusting the assessment in such cases as are then on appeal before him or by means of the exercise of the powers hereby conferred in the next preceding section, he may order that the assessment be quashed and that new assessment be made.

99. The person appealing shall in person or by his agent serve upon the secretary-treasurer of the village personally within eight days after the decision of the court of revision or before the 11th day of September in any year in case of an appeal from the omission, neglect or refusal of the said court of revision to hear or decide an appeal to it, a written notice of his intention to appeal to a judge. Notice of appeal

100. The secretary-treasurer shall immediately after the time limited for filing notices of appeal forward a list of the same List of appeals

to a judge and such judge shall fix a day and place for the hearing of such appeals. Immediately upon the judge fixing the day for hearing such appeals the secretary-treasurer shall give notice in writing to all parties interested in the said appeals respectively of the time and place fixed by the judge for the hearing of the same. 1914, c. 8, s. 7.

Notice of
hearing

101. The secretary-treasurer shall cause a conspicuous notice to be posted up in his office containing the names of all the appellants and parties appealed against with a brief statement of the ground or cause of appeal together with the time and place at which a court will be held to hear appeals.

Secretary-
treasurer
to be clerk

(2) The secretary-treasurer shall be the clerk of such court.

Time for
giving
judgment

102. At any court so holden a judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon for a period not exceeding one month from the date of the hearing of such appeal.

Proceeding
at hearing
of appeal

103. At the court to be holden by a judge to hear the appeals the secretary-treasurer of the village shall appear and produce the assessment roll and all papers and writing in his custody connected with the matter of appeal, and such roll shall be altered and amended according to the decision of the judge, if then given, who shall write his initials opposite any part of the said roll in which any mistake, error or omission is corrected or supplied; and if the decision is not then given the secretary-treasurer of the village shall when the same is given forthwith alter and amend the roll according to the same and shall write his name opposite every such alteration or correction.

(2) In all such proceedings the judge shall possess all such powers for compelling the attendance of and for the examination on oath of all parties whether claiming or objecting or objected to, and all other persons whomsoever and for the production of books, papers and documents and for the enforcement of his orders, decisions and judgment as belong to or might be exercised by him in the district court.

Process

104. All process or other proceedings in, about or by way of appeal may be entitled as follows:

"In the matter of appeal from the court of revision of the Village of.....

"Between:

"A.B.,

"Appellant,

"and

"C.D.,

"Respondent."

Costs

105. The costs of any proceedings before a judge as aforesaid shall be paid by or apportioned between the parties in such manner as the judge thinks proper; and where costs are ordered to be paid by any party the same shall be enforced by execution to be issued as the judge may direct from the district court or in the same manner as upon an ordinary judgment for costs in such court.

106. The costs chargeable or to be awarded in any case shall be the costs of witnesses and of procuring their attendance and none other, the same to be taxed according to the allowance in the District Court for such costs; and in case where execution issues the costs thereof as in the like court and of enforcing the same may be also collected thereunder. Amount of costs

107. If at any time before the fifteenth day of October it be discovered that any person liable to assessment is not assessed or that there is any error in any of the particulars contained in the assessment roll the council may direct the secretary-treasurer to enter the name of such person on the roll or to correct the error and every such entry or correction shall be dated and initialled by the secretary-treasurer. Council may order addition to roll

108. In the event of any such addition to or correction of the roll without the knowledge or consent of the person or persons affected thereby a notice as required by section 88 hereof shall be mailed by registered post to the post office address of such person or persons by the secretary-treasurer; and every such person shall be given every reasonable opportunity to complain or appeal against the said assessment; and all complaints and appeals so made shall be heard and determined as nearly as may be in the manner provided by this Act.

109. When the roll is finally completed the secretary-treasurer shall over his signature enter at the foot of the last page of the roll the following certificate filling in the date of such entry: "Roll finally completed this day of 19..."; and the roll as thus finally completed and certified to shall be valid and bind all parties concerned subject to amendment on appeal to the court of revision and to further amendment on appeal to the district court judge, notwithstanding any defect or error committed in, or with regard to such roll or any defect, error or misstatement in any notice required by this Act or any omission to deliver or to transmit any such notice.

110. A copy of the roll or of any portion thereof written or printed without any erasure or interlineation and under the seal of the village certified to be a true copy by the secretary-treasurer shall be received as *prima facie* evidence in any court of justice without the production of the original assessment roll.

TAXATION.

111. The council of every village shall as soon as practicable in each year prepare in detail an estimate of the probable expenditures of the village for the year and such estimate shall include the sum or sums required to repay any temporary loan or to meet and debenture coupons which may fall due during the year. Estimates

112. Upon the completion of the said estimates the secretary-treasurer shall lay before the council the revised assessment roll of the village for the year certified to as provided by section 109 hereof and the council shall by resolution authorize the Levy of rate

secretary-treasurer of the village to levy upon all lands entered in the said roll such tax at a uniform rate on the dollar as shall be deemed sufficient to meet the said estimate and expenditures; and in fixing the said rate the council shall make due allowance for the nonpayment of taxes.

113. The uniform rate of taxation to be authorized by the council as provided in the next preceding section shall not in any one year exceed twenty mills on the dollar (exclusive of debenture rates) upon the total value of the assessable land shown on the last revised assessment roll; provided, however, that the council of any village which has issued debentures or entered into a contract for the supply of water for irrigation or domestic purposes, under the provisions of this Act, may, in addition to such maximum rate, impose such additional rate as may be necessary to meet any payments accruing due during the year on account of such debentures, or to pay the rental due under any contract for the supply of water to the village for irrigation or domestic purposes.

(2) In the event of the tax payable on any lot or portion of land under this section for the purposes of the municipality being less than 50 cents the tax to be entered in the roll as payable for such purposes shall be 50 cents. 1914, c. 8, s. 8.

(3) (*Repealed*—1914, c. 8, s. 8.)

School rates

114. All school taxes shown to be outstanding on the tax roll of the village after the 31st day of December, 1914, shall on and after that date be payable only to the school board of the village school district and may be collected by such district in all respects as though they were originally due to such district and the secretary-treasurer of the village shall prior to the 15th day of January, 1915, furnish the secretary-treasurer of the school district with a return showing all such taxes and the secretary-treasurer of the village shall at the same time pay over to the secretary-treasurer of the school district all moneys on hand to the credit of the said school district. 1914, c. 8, s. 9.

115. (*Repealed*—1914, c. 8, s. 10.)

116. (*Repealed*—1914, c. 8, s. 11.)

Mailing of
tax notice

117. The secretary-treasurer shall mail to each person whose name appears on the assessment roll and to the address shown therein notice of the amount of taxes due by such person in respect of the lands for which he is assessed, which notice shall be in the form from time to time prescribed by the Minister and the entry of the date of mailing each such notice followed by the initials of the secretary-treasurer on the roll shall be *prima facie* evidence of the mailing of the notice on the date entered without proof of the appointment or signature of the secretary-treasurer and the absence of any entry of such date and initials shall be *prima facie* evidence that the person's address is unknown. 1914, c. 8, s. 12.

Sale upon
which taxes
deemed to
be due

118. All taxes levied under the provisions of this Act, except as otherwise herein provided, shall be deemed to be due on the

first day of January in the year in which they are imposed and shall be payable at the office of the secretary-treasurer of the village.

119. The taxes accruing upon or in respect of any land in the village shall be a special lien upon such land having priority over any claim, lien, privilege or encumbrance thereon except claims of the Crown. Taxes to be preferential lien

120. In the event of any taxes remaining unpaid after the thirty-first day of December of the year for which the same are levied there shall be added thereto by way of penalty a sum equal to five per centum of the amount of taxes remaining unpaid and in the event of any taxes or any part thereof remaining unpaid on the first day of July next following there shall be added thereto by way of penalty an additional sum equal to five per centum of the amount of such taxes at that date remaining unpaid and the same additional percentage shall be added thereto in the same manner upon any taxes remaining unpaid half yearly upon the first days of January and July in each year following; and such amount or amounts so added shall form a part of the taxes which are by the provisions of this Act created a special lien upon the land. Nothing in this section contained shall be construed to extend the time for payment of the said taxes nor in any way to impair the right of distress or any other remedy provided by this Act for the collection of the said taxes. Penalties for non-payment

121. The secretary-treasurer shall enter with the date of receipt all amounts paid to him for taxes on the assessment roll opposite the lot or parcel of land for which such payment is made and he shall issue an official receipt for every such payment in such form as may from time to time be approved by the Minister. Secretary-treasurer to enter date of receipt

122. The secretary-treasurer shall upon the written request of any person assessed who pays only a portion of the taxes due by him credit such person in the assessment roll as having made such payment on account of such taxes as such person shall select; provided that if arrears of taxes are due by such person the taxes received shall first be applied in payment of such arrears. How taxes are to be credited

123. In case any person only pays a portion of the taxes due by him and such person does not as provided in the next preceding section signify the manner in which such taxes are to be applied the secretary-treasurer shall first apply such taxes in payment of any arrears due by such person and the remainder (if any) of the taxes so paid shall be applied in payment of the taxes levied for the current year as the secretary-treasurer may direct. Arrears to be paid first

124. In case any person fails to pay the taxes assessed against him within thirty days from the mailing of the tax notice provided for herein the secretary-treasurer may by himself or his agent levy the same with costs by distress in the same manner as a landlord may recover rent in arrears; Distress for taxes

1. Upon the goods or chattels wherever found within the village belonging to or in the possession of the owner or occupant of the land whose name appears on the roll and who is hereinafter called "the person taxed"; or

2. Upon the interest of the person taxed in any goods found on the land including his interest in any goods to the possession of which he is entitled under a contract for purchase or under a contract by which he may become the owner thereof upon performance of any condition; or

3. Upon any goods or chattels wherever found in the village of the owner of the land although the name of such owner does not appear upon the roll; or

4. Upon any goods and chattels on the land where the title to such goods and chattels is claimed in any of the ways following:

(a) By virtue of an execution against the person taxed or against the owner though his name does not appear on the roll; or

(b) By purchase, gift, transfer or assignment from the person taxed or from such owner whether absolute or in trust or by way of mortgage or otherwise; or

(c) By the wife, husband, daughter, son, daughter-in-law, or son-in-law of the person taxed or of such owner or by any relative of his in case such relative live on the land as a member of the family; or

(d) By virtue of any assignment or transfer made for the purpose of defeating distress.

(2) The secretary-treasurer shall by advertisement posted up in at least three widely separated conspicuous places in the village give at least ten days' public notice of the time and place of sale and the name of the person if known for payment of whose taxes the property is to be sold and at the time named in the notice the secretary-treasurer or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes due with all lawful costs, including \$2 for posting notices.

(3) If the property distrained has been sold for more than the amount of taxes and costs and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus it shall be paid to the person in whose possession the property was when the distress was made.

(4) If the claim is contested such surplus money shall be paid over by the secretary-treasurer to the clerk of the District Court for the judicial district within which such village is wholly or partly situated.

125. Any taxes or arrears of taxes due to the village or levied by it may be recovered by suit in the name of the village as a debt due to the village; in which case the assessment roll shall be *prima facie* evidence of the debt.

(2) For the purposes of this section all taxes shall be deemed to be due on the day on which the tax notices provided by this Act were mailed as shown by the assessment roll.

Adjustment
of taxes
between
municipalities

126. All taxes due on any land included in a village but which may hereafter be withdrawn therefrom and comprised within the limits of a city, town, another village or rural municipality shall remain as taxes due to such village; and for the purposes

of the collection of such taxes the said land shall be deemed to be in the village and all the provisions of this Act with respect to the collection of such taxes shall apply.

FORFEITURE OF LAND FOR NON-PAYMENT OF TAXES.

127. The secretary-treasurer of every village shall during the month of January in each year prepare a separate statement to be known as "The Tax Enforcement Return"; and the secretary-treasurer shall enter in such return the following information in the columns provided for the purpose:

1. The name and post office address of each person whose name appears on the last revised assessment roll of the village and who has not paid all taxes due by him to the village for the year next preceding the preparation of the said return or for any previous year.

2. A description of each lot or parcel of land for which each such person is assessed and the value thereof.

3. A statement of the taxes due by each such person on each lot or parcel of land for which he is assessed including the taxes of the next preceding year and showing the year for which all such taxes were levied.

128. When duly prepared as provided in the next preceding section the secretary-treasurer shall submit the tax enforcement return to the auditor of the village who upon auditing the same and upon being satisfied that the said return is correct shall endorse thereon the following statutory declaration:

"I,, auditor of the Village of, No., hereby solemnly declare that I have audited the above return and that to the best of my knowledge and belief it is correct in every particular.

"And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

"Declared before me at. }
.....thisday of }
.....19.... } "Auditor."
..... "A Commissioner, J.P., or N.P."

129. The said return as thus verified by the auditor of the village shall for all purposes be *prima facie* evidence of the validity of the assessment and imposition of the taxes as shown therein and that all steps and formalities prescribed by this Act have been taken and observed.

130. The lands shown on the said return shall continue liable to assessment and taxation in the same manner as other lands in the village unless and until they become vested in the village as hereinafter provided and the secretary-treasurer shall continue to collect arrears of taxes due to the village as shown by the said return and all taxes accruing due after such date, including any penalties imposed under the provisions of section 120 hereof, and upon receipt of any such payment he shall enter in the return the amount paid followed by his initials and the date of payment.

Court of
Confirmation

131. On the application of the secretary-treasurer of the village or some solicitor authorized by the council to a judge, such judge may appoint a time and place for the holding of a court of confirmation of the said return notice of which shall be published in every issue of *The Alberta Gazette* for two months and once each week for at least eight consecutive weeks in such newspaper published in the vicinity of the lands entered on the said return as shall be named by the judge.

Notice of
court

132. A notice of the time and place fixed for confirmation of such return shall be mailed by registered post by the secretary-treasurer of the village at least sixty days prior to the time so fixed to each person who appears by the records of the land registration district within which the lands lie or by the said return to have any interest in the lands mentioned in the said return in respect of which confirmation is desired and whose post office address is shown by said records or return; and the entry against such lands in the said return of the date of mailing such notice together with the signature or initials of the treasurer shall without proof of the appointment or signature or initials of the secretary-treasurer shall be *prima facie* evidence that the required notice was duly mailed on the date so entered.

Such notice shall be in the following form:

"Take notice that His Honour Judge....., judge of the District Court of the District of..... has appointed..... the..... day of..... at his chambers in the Court House in the..... of..... for the holding of a Court of Confirmation of the Tax Enforcement Return of the Village of..... for the year 19... and that you appear to be interested in certain lands included in the said tax enforcement return. Namely: (here insert description of land in which person to whom notice is sent appears to be interested)."

Redemption

133. If after the date for confirmation has been fixed as provided for by section 131 hereof but before the court of confirmation has been held any person interested in any parcel of land contained in the return presented to the judge for confirmation desires to pay the taxes due upon such land as shown by the said return, such person may do so on condition that he pays in addition thereto the amount chargeable against such parcel of land for costs of application to the judge, advertising, postage and all other expenses in connection with such proceedings; and any sum so paid shall form part of the general revenue of the village. 1914, c. 8, s. 13.

Proceedings
at Court of
Confirmation

134. At the time and place appointed as hereinbefore provided the judge shall hear the application and also any objecting parties and the evidence adduced before him under oath and thereupon adjudge and determine whether or not the taxes imposed respectively upon each lot or parcel of land included in the tax enforcement return were either wholly or in part in default and report the adjudication to the secretary-treasurer of the village and shall also confirm the said return as to those lands on which any taxes are determined to be in arrears naming the amount of such arrears and adding thereto a reasonable amount for the

expenses of advertising, postage and other work in connection with the tax enforcement return together with such sums as he may fix for costs of the application; and the effect of such adjudication when registered as hereinafter provided shall be to vest in the village the said land free from all liens, mortgages and encumbrances of every nature and kind whatsoever, subject, however, to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by the payment to the secretary-treasurer of the village of the amounts named including expenses as aforesaid together with any taxes which may have accrued on the said land since the date of such adjudication including any penalties imposed under the provisions of section 120 hereof. 1914, c. 8, s. 14.

(2) In the event of any person successfully opposing confirmation of the said return as to the land in which he is interested the judge may order an allowance to him as witness fees to be paid by the village.

(3) A copy of such adjudication certified by the secretary-treasurer shall be forwarded by registered mail to the registrar of titles of the land registration district in which the lands named in the adjudication or any of them are situated; and it shall be the duty of the registrar to register the same against the lands therein named.

(4) A copy of such adjudication shall also be sent by registered mail to the persons to whom by section 130 hereof notice of the time and place fixed for confirmation of the return is required to be sent and such persons or any of them shall be entitled to redeem the lands as hereinafter provided.

(5) The secretary-treasurer of the village shall after the expiration of ten months and before the expiration of eleven months from the date of such adjudication cause to be published in *The Alberta Gazette* and also in a newspaper published within the village, or in a newspaper having a circulation therein a notice stating that the land named therein has been forfeited for non-payment of taxes and stating the time at which the period of redemption provided by law will expire and shall also not less than thirty days and not more than sixty days before the time at which the period of redemption provided by law shall expire, mail a like notice to each person who appears, by the records of the land titles office for the land registration district within which such land is situated, to have any interest therein.

Such notice shall be in the following form:

"Take notice that the tax enforcement return of the village of..... was confirmed in respect of the herein described lands by the court of confirmation held at..... on the..... day of..... 19...., and unless such lands are redeemed on or before the..... day of....., 19...., the same will be absolutely forfeited for non-payment of taxes.

"Dated this..... day of..... 19....

"Secretary-Treasurer of the Village of.....

"You appear to be interested in the following lands (here insert the description of the land).

"The amount required to redeem this parcel is \$. made up as follows:

"The amount due as shown by the tax enforcement
return is.\$
"Taxes accrued since that date.\$
"Expenses of advertising, etc.\$
"Costs and redemption fees.\$"

Redemption
after
confirmation

135. When the taxes on any parcel of land accruing due both before and after the tax enforcement returns, together with the expenses, costs and redemption fee provided for in section 134 hereof have been paid to the secretary-treasurer within one year from the date of the said adjudication the secretary-treasurer shall issue to the person paying the taxes a certificate in the form following verified by an affidavit of execution in the form following which certificate shall on presentation to the registrar of the land registration district in which the lands named are situated be registered by him free of charge and the said certificate when so registered shall discharge and release the said land from the said adjudication and the effects thereof.

"THE VILLAGE ACT.

"Certificate of Redemption.

"This is to certify that the following lands, viz.:

.....
"as to which an adjudication under the provisions of *The Village Act* bearing date the..... day of..... was made by His Honour....., Judge of the District Court of the Judicial District of..... in the Province of Alberta, have been, under the provisions of the said Act, redeemed and the said lands are therefore discharged and released from the said adjudication and the effect thereof.

"Dated at..... this..... day of..... 19.....

"Witness....."

"AFFIDAVIT OF ATTESTATION.

"Canada

"Province of Alberta

"To Wit:

"I,....., in the Province of Alberta, (*occupation*), make oath and say:

"1. That I was personally present and did see..... named in the within instrument who is personally known to me to be the person named therein, duly sign and execute the same for the purposes named therein.

"2. That the same was executed at the..... of..... in the Province of Alberta, and that I am the subscribing witness thereto.

"Sworn before me at..... }
of..... in the Province of }
of Alberta, this..... }
day of..... A.D. 19..... }

"A J.P., Comr., or N.P.,
(or as the case may be)."

136. If after the expiration of one year from the date of the said adjudication the taxes which had accrued due to that date both before and after the date of adjudication together with any penalties imposed under the provisions of this Act and the expenses and redemption fee herein provided have not been paid to the secretary-treasurer the registrar on the written application of the secretary-treasurer shall issue a certificate of title under the provisions of *The Land Titles Act* in favour of the village freed from all liens, mortgages and encumbrances of every nature and kind whatsoever.

Such application shall be in the following form:

"To the Registrar of the..... Alberta Land Registration District:

"The Village of..... hereby makes application to be registered as owner of (*here insert full description of land*), being land as to which tax enforcement return of the said village was confirmed at the Court of Confirmation held on the..... day of..... and which has not since that date been redeemed.

"Dated this..... day of..... 19.....

"*Secretary-Treasurer of the Village of.....*"

Each such application shall be accompanied by an affidavit of the secretary-treasurer or reeve of the village in the following form:

"In the matter of *The Village Act* and in the matter of an application of the Village of..... for the issue of a certificate of title to (*here insert a description of land*).

"I,..... of the Village of..... in the Province of....., make oath and say:

"1. That I am secretary-treasurer of the Village of..... and have knowledge of the matters referred to herein.

"2. That at the Court of Confirmation held at..... on the..... day of....., the tax enforcement return of the said village was confirmed in so far as the tax enforcement return affects the land referred to in the annexed application.

"3. That a copy of the notice hereto annexed, marked Exhibit 'A' to this my affidavit was, after the expiration of ten months and before the expiration of eleven months published in *The Alberta Gazette* and also in the (*here insert the name of the newspaper*), a newspaper published in the Village of..... or having a circulation in the Village of..... (as the case may be).

"4. That a like notice and also statement showing the amount required to redeem the lands was sent to each person who appeared to have any interest in any such lands not more than sixty nor less than thirty days before the expiration of the period limited for redemption.

"Sworn before me at..... }
in the Province of Alberta, the..... }
day of..... A.D. 19..... }

"A Commissioner, etc., in and for Alberta."

137. (*Repealed*—1914, c. 8, s. 16.)

Forfeited
land may be
dealt with
subject to
the approval
of the
Minister

138. Any lot or parcel of land which becomes the property of the village in the manner hereinbefore provided may, subject to the approval of the Minister be sold, leased or otherwise disposed of, by the council of the village on such terms and conditions as it may fix.

(2) Where any land has been sold under the provisions of this section any balance remaining after the payment of all taxes, costs, charges, and expenses up to and including the date of such sale, shall be paid by the village to the person as against whom such land was forfeited and such person may sue for and recover such amount in any court of competent jurisdiction. 1914, c. 8, s. 17.

PENALTIES.

Penalties

139. Any secretary-treasurer or other officer of a village who refuses, neglects, or fails to discharge the duties of his office or who knowingly signs any false statement, report or return required by this Act, or any other enactment in force in the province, or who refuses, or neglects to hand over to his successor in office or such persons as may be designated in writing to him by the council or by the Minister all moneys, books, papers and other property of the village in his possession in addition to any civil liability which he may incur, shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$50.

139a. The council may by by-law—

1. Impose a penalty not exceeding \$100.00 exclusive of costs for breach of any provision of any by-law and provide for a reasonable punishment by imprisonment with or without hard labour in the nearest common jail for any period not exceeding sixty days in case of nonpayment of the fine and costs inflicted for any such breach unless such fine and costs including the costs of committal are sooner paid; 1915, c. 17, s. 2.

2. And enact that in case the conviction be for the nonpayment of any license fee payable to the village under the provisions of any by-law of the village the convicting justice may adjudge payment thereof in addition to the penalty. 1915, c. 17, s. 2.

How
penalties
enforced

140. All fines, penalties, and forfeitures mentioned in this Act may be recovered and enforced with costs on summary conviction before a justice of the peace unless otherwise provided.

Disposition
of fines or
penalties

141. All moneys accruing from fines or penalties under this Act otherwise than from violations of village by-laws shall unless otherwise provided belong to the general revenue fund of the Province of Alberta.

(2) All fines and penalties accruing from violations of village by-laws shall, unless otherwise provided, belong to the village and form part of its general revenue fund.

Procedure

142. Where duties, obligations or liabilities are imposed by law upon any person, company or corporation or where contracts or agreements are or have heretofore been created, enacted or

validated, by any Statutes imposing such duties, obligations or liabilities the village shall have the right by action to enforce such duties or obligations and the payment of such liabilities and to obtain as complete and full relief and to enforce the same remedies as could have been maintained, obtained and enforced therein by the Attorney General had he been a party to the said action as plaintiff or a plaintiff upon the relation of any person interested.

143. In case a by-law, order or resolution is illegal in whole or in part or in case anything has been done under it which by reason of such illegality gives any person a right of action no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed nor until one month's notice in writing of the intention to bring the action has been given to the village; and every such action shall be brought against the village alone and not against any person acting under the by-law, order or resolution. No action until by-law quashed

144. In case the village tenders amends to the plaintiff or his solicitor if such tender is pleaded and if traversed, proved and no more than the amount tendered is recovered the plaintiff shall have no costs; but costs shall be taxed to the defendant on such scale as the presiding judge may direct and shall be set off against the amount recovered; and the balance due to either party may be recovered as in ordinary cases. Tender

(2) The council of any village upon any claim being made or action brought for damages for alleged negligence on the part of the village may tender or pay into court as the case may be, such amount as they may consider proper compensation for the damage sustained; and in the event of the nonacceptance by the claimant of such tender or of the amount paid into court, and of the action being proceeded with, and no greater amount being recovered than the amount so tendered or paid into court, the costs of suit shall be awarded to the defendants and set off against any amount recovered against them.

145. No proceedings of the council or of any committee of the council or of any person acting as chairman or member of the council or of a committee shall be invalidated by reason of any defect in the appointment or election of or any disqualification of any such person. Proceedings not to be invalidated by certain errors

EXECUTION AGAINST VILLAGES.

146. Any writ of execution against a village may be endorsed with a direction to the sheriff of the judicial district in which the village is wholly or mainly situated to levy the amount thereof by rate and the proceedings thereon shall be as follows: Enforcement of execution

1. The sheriff shall deliver a copy of the writ and endorsement to the secretary-treasurer with a statement in writing of the amount required to satisfy such execution including the amount of interest thereon and sheriff's fees and demand the payment of the same; Copy writ to be delivered to secretary-treasurer Demand for payment

2. In case the amount demanded is not paid to the sheriff within thirty days after such delivery the sheriff shall examine the assessment roll of the village and shall in like manner as rates are struck for general village purposes strike a rate sufficient Execution rate

Sheriff's
precept
to secretary-
treasurer

to cover the amount claimed as aforesaid with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees and the collector's percentage up to the time when such rate will probably be available;

3. The sheriff shall thereupon issue a precept or precepts under his hand and seal of office directed to the secretary-treasurer and shall annex thereto the roll of such rate and shall by such precept after reciting the writ and that the village had neglected to satisfy the same and referring to the roll annexed to the precept command the secretary-treasurer to levy such rate at the time and in the manner by law required in respect to the general annual rates;

Levy of
special rate

4. At the time for levying the annual rates next after the receipt of such precept the secretary-treasurer shall add a column to the tax roll headed: "Execution rate in A.B. versus the Village of No. (as the case may be)"

adding a similar column if there are more executions than one and shall insert therein the amount by such precept or precepts to be levied upon each person respectively and shall levy the amount of such execution rate as aforesaid and shall within the time he is required to make the returns of the general annual rate return to the sheriff the precept or precepts with the amount levied thereon deducting his percentage;

Surplus

5. The sheriff shall after satisfying the execution and all fees thereon return any surplus within ten days after receiving the same to the secretary-treasurer for the general purposes of the village.

Secretary-
treasurer's
percentage

6. In case the secretary-treasurer of any village against which an execution has issued is not paid by percentage fixed by by-law he shall be paid for such collections a sum not exceeding two and one-half per centum;

Secretary-
treasurer
and assessor
officers
of court

7. The secretary-treasurer and the assessor shall for the purposes of carrying into effect the provisions of this Act with respect to such execution be deemed to be officers of the court from which such writ issued and as such may be proceeded against by attachment, *mandamus* or otherwise to compel them to perform the duties hereby imposed on them.

ERECTION OF VILLAGES INTO TOWNS.

When village
may be
erected into
town

147. If at any time it appears by a census taken under the authority of the Minister, or under the authority of any Act of the Legislature of the Province of Alberta or of the Parliament of Canada, that a village contains over seven hundred inhabitants the village may be erected into a town municipality subject to the provisions hereinafter contained. 1914, c. 8, s. 18.

Procedure

148. No village shall be erected into a town municipality unless and until a resolution authorizing the council to petition for such erection has been approved by two-thirds of the electors voting thereon at a meeting specially called for the purpose.

(2) The reeve of the village shall preside at such meeting and notice thereof in the form hereinafter provided shall be posted up in at least three conspicuous places in the village, one of which will be in the post office, if any, at least ten days before the date fixed for such meeting.

Such notice shall be in the following form:

"Take notice that a meeting of the electors of the Village of.....will be held on.....the.....day of.....at the hour of.....o'clock p.m. at.....in the village of.....for the purpose of considering a resolution authorizing the Council of the Village to petition the Minister of Municipal Affairs for the erection of the village and (*here insert the description of any additional land which it is desired to include within the village*) into a town municipality.

"Dated the.....day of.....19.....

"*Secretary-Treasurer of the Village of.*"

149. At any time not less than one month nor more than two months after the passing of such resolution, the council may petition the Lieutenant Governor in Council for the erection of the village into a town municipality and shall with the petition furnish satisfactory proof of substantial compliance with the provisions of this Act, and thereupon the Lieutenant Governor may by a proclamation erect the village into a town municipality by the name to be given thereto in the proclamation.

150. The Lieutenant Governor in Council may include in the new town any lands not included in the village but adjacent thereto and within the limits mentioned in the aforesaid notice; provided that no such land shall be included in any new town unless the plan of subdivision of such territory has been registered in the land titles office for the land registration district within which such land is situated and unless there is erected on such territory at least one building actually occupied as a dwelling house or place of business for every five acres included therein.

151. From and after the erection of any village into a town municipality as hereinbefore provided all the provisions of *The Town Act* shall apply hereto.

152. The council of the village shall until the election of a council for the town under the provisions of *The Town Act* be deemed to be the council of the town and shall have all the powers and be charged with all the duties of a town council and all the officers of the village shall be and become officers of the town and shall hold office until their successors are appointed and the reeve of the village shall become mayor of the town.

153. All books, accounts, records, lists, vouchers, moneys and all other properties of the village shall forthwith on demand of the secretary-treasurer of the town be delivered by the person last holding them to the said secretary-treasurer who shall for the purpose of receiving the said books, accounts, records, vouchers, moneys and other property be deemed to be the successor in office of the secretary-treasurer of the village.

154. All by-laws or resolutions passed by the council of the village shall until the same are altered or repealed by the council of the town continue to have the same force and effect as if the same had been passed by the council of the town.

Village
taxes to be
paid to
town

155. All taxes due to the village shall on its erection into a town municipality be deemed to be arrears of taxes due to such town municipality and the provisions of *The Town Act* relating to arrears of taxes and the collection thereof shall apply thereto.

Suits and
rights of
action and
liabilities
continued

156. All suits and rights of action by or against the village shall after its erection into the town municipality be continued or maintainable by or against the town municipality and all debts and liabilities of the village be assumed and paid by the town municipality.

Title to
property of
village to
pass to town

157. The title to and all rights in respect of any real estate or other property of the village shall be vested in the town municipality upon the erection of the village into a town municipality.

Lieutenant
Governor
in Council
may waive
irregularity

158. The Lieutenant Governor in Council may, upon the recommendation of the Minister, if satisfied that the provisions of this Act respecting the erection of villages into towns have been substantially complied with, notwithstanding any defect, irregularity or want of form in any of the proceedings incident to the erection of any village into a town, by proclamation erect the same into a town municipality.

Village Act
repealed

159. *The Village Act*, being chapter 10 of the Statutes of Alberta, 1907, is hereby repealed.

160. Sections 81 to 126 inclusive shall apply as though in force on the first of January, 1913.

RESTRAINING ANIMALS AT LARGE.

161. The council of every village shall have full power to pass a by-law or by-laws for restraining animals at large and in such by-law or by-laws may:

(a) Describe the several kinds of animals the by-law purports to restrain;

(b) Determine what condition shall constitute an animal at large;

(c) Determine whether animals at large shall be restrained throughout the whole year or only a portion thereof, and if only a portion what portion;

(d) Determine whether such by-law is to be made applicable to the whole village or only a portion or portions thereof and if only a portion or portions what portion or portions;

(e) Determine whether animals not the property of residents shall be permitted to be at large within the village and if such permission is given by such by-law the conditions under and the time or times during which such animals may be at large in the village 1914, c. 8, s. 19;

(f) Determine whether animals not the property of residents within any portion of the village shall be permitted to be at large within such portion of the village and if such permission is given by such by-law the conditions under and the time or times during which such animals may be at large within such portions. 1914, c. 8, s. 19;

(g) Prescribe the manner in which animals required by such by-law to be restrained from being at large shall be distrained

and kept during such distraint and the places at which and the persons with whom animals so distrained shall be impounded. 1913 (2nd Session), c. 23, s. 19.

(2) The term "residents" in this section includes any person living in the village and any person using in any way any land within the village. 1914, c. 8, s. 19.

162. In every such by-law the council shall incorporate substantially all the provisions of sections 163 to 170 inclusive of this Act, substituting the word "by-law" for "Act" where the meaning requires it. 1913 (2nd Session), c. 23, s. 19.

(2) (*Repealed*—1914, c. 8, s. 20.)

163. Any person claiming any damage for trespass by any animal impounded may, at any time before the animal is released, deliver to the poundkeeper a statement in writing, showing the amount of his demand. 1913 (2nd Session), c. 23, s. 19.

(b) Upon the receipt of such statement the poundkeeper shall apply to the reeve or to any one of the councillors of the village, or to a justice of the peace, who is hereby authorized and required to forthwith summon three disinterested inhabitants of the village, and such three appraisers or any two of them shall, within twenty-four hours after notice as aforesaid, view the ground on which the animal or animals were found doing the damage and appraise the damage committed, and the determination of a majority of the said appraisers shall be conclusive as to the amount of such damages and they shall, within twenty-four hours after having made the view, give, in writing, to the poundkeeper a statement of the amount of damages assessed by them, and said amount shall be the amount to be collected from the owner or to be retained from the sale of the animal or animals as damages by the poundkeeper. 1913 (2nd Session), c. 23, s. 19.

164. If any poundkeeper impounds or assists or incites or employs any person to impound any animal in the village unless such animal was an estray or was trespassing upon the poundkeeper's own land, he shall, in addition to any civil liability which he may incur by reason thereof, be guilty of an offence and liable on summary conviction to a penalty not exceeding \$100. 1913 (2nd Session), c. 23, s. 19.

(2) Every poundkeeper shall keep the pound to which he is appointed clean and in good repair and shall supply the animals impounded therein with sufficient and wholesome sustenance and provide for them such shelter as is commonly provided at the time for animals of similar age and class in the vicinity, and the poundkeeper may send such animals out of his pound at fit times and to fit places for grazing or watering and every poundkeeper shall be responsible to the owner of any impounded animal for all loss or damage occasioned by any act or negligence of himself or his agent; in no case shall an open wire corral be regarded as a suitable pound. 1913 (2nd Session), c. 23, s. 19.

165. If the owner of any impounded animal is known to the poundkeeper as the owner of such animal the poundkeeper shall forthwith deliver at or mail by registered post to the address

of such owner a notice in the form hereinafter provided. 1913 (2nd Session), c. 23, s. 19.

(2) In case such owner is not known, or such owner or person notified shall not within ten days after the posting or delivery of such notice appear at the pound and release the animal so impounded by the payment of the lawful fees, mileage rates and appraised claim for damage, the poundkeeper shall cause to be inserted once each week for two consecutive weeks in some newspaper circulating in the vicinity of the pound, a notice in the form hereinafter provided:

"Notice is hereby given that (*description of animal impounded, giving registered brands, if any, marks and points*) was impounded in the pound kept by the undersigned on (*description of place where pound is located*) on.... day of..... 19.....

1913 (2nd Session), c. 23, s. 19. *Signature of Poundkeeper."*

166. Every poundkeeper shall without charge in addition to any copies of any notice which he may be required under this Act to post or deliver, post a copy of every such notice in a conspicuous place at his pound and in the nearest post office and shall keep and maintain such notice at his pound during the whole of such time such notice may refer to. 1913 (2nd Session), c. 23, s. 19.

167. When any animal shall not have been released from the pound within twenty days after the notice has been inserted for the last time in a newspaper as is herein provided the said animal shall be sold by public auction after notice of such sale shall have been posted for eight days in three conspicuous places within the village one of which shall be the post office nearest the pound and at such sale the poundkeeper shall be the auctioneer; and such sale shall be held at the pound or at such other place as may be designated by by-law of the village and shall commence at the hour of two o'clock in the afternoon and the poundkeeper shall not either in person or by his agent purchase any animal at such sale or have any interest of any kind in any animal so purchased. 1913 (2nd Session), c. 23, s. 19.

168. If more than one animal is impounded and the owner thereof is known, the poundkeeper shall only sell sufficient of such animals to satisfy the claims for damages, expenses and fees chargeable against the animals and the owner of the animals shall be entitled to those remaining unsold. 1913 (2nd Session), c. 23, s. 19.

(2) If the owner of the animals is unknown the poundkeeper shall sell all the animals impounded. 1913 (2nd Session), c. 23, s. 19.

(3) The poundkeeper shall immediately after such sale send to the treasurer a description of the animal sold, the date of sale, the amount realized and the disposition thereof. 1913 (2nd Session), c. 23, s. 19.

169. No poundkeeper making a sale under the provisions of this Act shall be liable to a penalty for selling without a license as an auctioneer. 1913 (2nd Session), c. 23, s. 19.

170. The proceeds of the sale of any impounded animal sold under the provisions of this Act shall be applicable in payment:

- (a) Of any costs and charges attending such sale;
- (b) Of all sustenance fees;
- (c) To the impounder of such animal of the amount due to him for capturing and impounding same, if any, and to claimant for damage done; and the residue, if any, shall be paid to the owner of such animal, or if not claimed at the time of sale by any person entitled thereto, to the treasurer of the village. 1913 (2nd Session), c. 23, s. 19.

171. Any money received by the treasurer under the provisions of the next preceding section shall be paid to the owner of the animal sold on evidence satisfactory to the council being furnished as to applicant's title thereto and application therefor being made to the council within twelve months from the date of the sale; otherwise such money shall form part of the general revenue of the village. 1913 (2nd Session), c. 23, s. 19.

172. Before any by-law for the restraining of animals at large shall be finally passed by the council of any village the council shall cause a copy of the proposed by-law to be posted up in each of at least three conspicuous places in the village, one of which shall be the office of the secretary-treasurer and shall upon the completion of the posting of such copies cause to be inserted in some newspaper published in the municipality or if there is no newspaper published therein in some newspaper circulating therein, a notice in the form following or to the like effect:

"Public notice is hereby given that there has been introduced in the council of the Village of a by-law of which the following is a short synopsis (*here insert short synopsis of by-law*) and that a copy of same may be seen in each of the following places (*here insert list of the places at which by-law may be seen*) and further that unless within thirty days of the publication of this notice at least ten resident electors of the village petition the council to submit such by-law to a vote of the resident electors of the village the council will proceed to pass same.

"
Secretary-Treasurer of the Village
of"

1913 (2nd Session), c. 23, s. 19; 1914, c. 8, s. 21; 1915, c. 17, s. 3.

172a. If within twenty days after the last insertion of such notice any ten resident electors of the village petition the council to submit such by-law to the vote of the resident electors of the village, such by-law shall be submitted to the vote of such resident electors. 1914, c. 8, s. 22.

172b. The secretary-treasurer shall be the returning officer in connection with any vote taken on such by-law, and in case of his inability or refusal to act, the council shall appoint some person to act as returning officer. 1914, c. 8, s. 22.

172c. Within three days from the presentation of such petition to the council, the returning officer shall cause to be posted up in three conspicuous places in the village, one of which shall be the post office, a notice in the following form or to the like effect:

"VILLAGE OF....."

"Public notice is hereby given that between the hours of two and nine on the afternoon of..... day the..... day of....., A.D. 19....., a poll will be taken at..... of the resident electors of the village for and against the following by-law: (*here insert by-law*) and that I will at..... on the..... day of....., A.D. 19....., at the hour of ten-thirty p.m. sum up the votes for and against the said by-law, and declare the result of the voting thereon.

"Given under my hand at..... this..... day of....., A.D. 19....."

1914, c. 8, s. 22.

Returning Officer."

172d. The provisions of sections 45 and 46, and of subsections 1, 5, 6, 7 and 9 of section 47 of this Act shall apply to the voting on any such by-law. 1914, c. 8, s. 22.

172e. The returning officer shall upon demand give a ballot to each resident elector whose name appears upon the assessment roll, and who appears by the tax enforcement return to have paid all taxes due up to the thirty-first day of December, last preceding, and explain to him the manner of voting; provided, however, that if two or more persons are assessed in respect of the same property, only those first presenting themselves to vote to the number of three shall be entitled to vote. 1914, c. 8, s. 22.

172f. The returning officer shall immediately upon the expiration of the time fixed for taking the poll publicly count the ballots and declare the result of the poll. Such declaration shall be in the following form or to the like effect:

"I,....., the undersigned returning officer in connection with the voting on a by-law (*here insert short description of by-law*) do solemnly declare that at the poll taken for and against the said by-law on the..... day of....., A.D. 19....., the same was (*carried or defeated as the case may be*) and that the following is a correct statement of the votes polled for and against the said by-law (*insert statement of votes for and against by-law*).

Returning Officer."

"Declared before me at..... this..... day of....., A.D. 19....."

"A Commissioner, etc."

1914, c. 8, s. 22.

172g. Any person voting on any such by-law who is not entitled thereto, shall be guilty of an offence and liable on summary conviction thereof to a penalty of not less than \$10 and not more than \$50.

173. The following shall be the tariff of the poundkeeper's fees under any by-law passed in accordance with the provisions of this Act:

For each stallion or jack.....	\$.50
For each bull.....	.50
For each other animal.....	.25

Provided that the total poundkeeper's fees, not including commission on sales, shall not exceed \$10 and disbursements for advertising. 1914, c. 8, s. 22.

For posting notices, each such notice to include all such animals impounded at one distress..... \$1.00

For notice in newspaper: actual cost.

For selling impounded animals, as directed by the by-law: $2\frac{1}{2}\%$ commission upon the amount realized on the sale.

For attending for summonses and serving same on appraisers.....each .25
and 10c. per mile one way for each mile necessarily travelled.

(b) That the amount to be allowed the poundkeeper for the care and sustenance of each animal for each day or portion of a day shall be as follows:

For each stallion or jack.....	\$1.00
For each bull.....	.50
For each other animal.....	.25

(c) That the amount to be allowed the owner or tenant of any land in the village for capturing and impounding a stallion or bull of one year old or upwards at large, contrary to any village by-law, shall be five dollars and on receiving settlement or realizing from sale said amount shall be paid over to the person entitled by the poundkeeper.

(2) Any such fees and no others shall be payable for such purposes.

174. Nothing contained in this Act shall deprive the owner of any animal impounded, of any action, remedy or right that he may have at common law or otherwise by reason of said animal being unlawfully impounded.

175. The provisions of *The Stray Animals Ordinance*, *The Entire Animals Ordinance*, *The Herd Ordinance*, *The Fence Ordinance* and *The Pound District Ordinance* shall cease to be operative within any village upon the coming into effect of any by-law passed by the council in pursuance of the powers conferred upon it by this Act.

1913
(FIRST SESSION)

CHAPTER 6.

**An Act respecting the Construction and Maintenance
of Small Ditches by the Owners of Lands to be
Benefited.**

(*Assented to March 25, 1913.*)

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Alberta, enacts
as follows:

SHORT TITLE.

Short title **1.** This Act may be cited as "*The Private Ditches Act.*"

INTERPRETATION.

Interpretation **2.** In this Act unless the context otherwise requires the
expression—

Municipality **1.** "Municipality" means and includes any incorporated
municipality whether a city, town, village or rural municipality
and also a local improvement district;

Council **2.** "Council" means and includes the council of a municipality;

Secretary **3.** "Secretary" means and includes the treasurer of a city
municipality and the secretary or secretary-treasurer of a town,
village, or rural municipality or of a local improvement district;

Engineer **4.** "Engineer" means a duly qualified engineer or a surveyor
duly qualified to practise in Alberta;

Ditch **5.** "Ditch" means and includes a drain open or covered wholly
or in part whether in the channel of a natural stream, creek or
watercourse or not and also the work and material necessary for
bridges, culverts, catch basins and guards;

Construction **6.** "Construction" means and includes the original opening or
making of a ditch by artificial means and the disposal of the
material taken therefrom;

Maintenance **7.** "Maintenance" means and includes the preservation of a
ditch and keeping it in repair;

Nonresident **8.** "Nonresident" means and includes a person who does
not reside within the municipality in which his lands affected
by proceedings under this Act are situate;

Owner **9.** "Owner" means and includes any person who by any right,
title, or estate whatsoever is or is entitled to be in possession
of any land and the executor or administrator of an owner, the
guardian of an infant owner, any person entitled to sell or convey
the land, an agent of an owner under a general power of attorney
or under a power of attorney empowering him to deal with the
land and as regards roads the municipality within which the
same is situate;

10. "Road" means and includes any road surveyed and set apart as a highway under the provisions of *The North-West Territories Act*, *The Public Works Act*, *The Rural Municipality Act*, or *The Land Titles Act* and any road allowance under *The Dominion Lands Surveys Act*;

11. "Sufficient outlet" means and includes the safe discharge of water at a point where it will do no injury to lands or roads or into a natural water-course that will carry said discharge;

12. "Court" means the District Court of the judicial district within which the lands in respect of which proceedings under this Act are taken are wholly or mainly situate;

13. "Judge" means a judge of the court;

14. "Initiating municipality" means the municipality within which is situate the land of an owner commencing proceedings under this Act;

15. "Minister" means the Minister of Public Works of Alberta;

16. "Form" means a form in the schedule to this Act.

3. Every ditch to be constructed under this Act shall be continued to a sufficient outlet, but no ditch the whole cost whereof according to the estimate of the engineer or the agreement of the parties will exceed \$5,000.00 shall be constructed under the provisions of this Act.

4. The lands, the owners of which may be made liable for the construction of a ditch under this Act shall be those lying within a distance of one mile from the sides and point of commencement of the ditch, or any other lands the engineer may consider liable.

5. Any owner other than the municipality shall before commencing proceedings under this Act file with the secretary of the municipality in which the parcel of land requiring the ditch is situate a declaration of ownership thereof in the form A which may be taken before a notary public, a justice of the peace, a commissioner for taking affidavits or the secretary of the municipality.

(2) Before a municipality commences proceedings under this Act its council shall pass a resolution to the effect that such proceedings be commenced.

(3) In case of omission to file such declaration through inadvertence or mistake at the time aforesaid the judge may in case of such ownership at the said time permit the same to be filed at any stage of the proceedings upon such terms and conditions as he may impose or direct.

(4) Where a declaration of ownership has been filed under the provisions of this Act or such resolution passed by council such declaration or resolution shall be conclusive as conferring jurisdiction to proceed unless appealed against to the judge under the provisions of this Act.

6. The owner of any parcel of land who requires the construction of a ditch thereon shall before filing with the secretary of the municipality the requisition provided for by section 11 of this Act serve upon the owners or occupants of the other

lands to be affected a notice in writing in the form B signed by him and naming therein a day and hour and also a place convenient to the site of the ditch at which all the owners shall meet and estimate the cost of the ditch and agree if possible upon the apportionment of the work and supply of material for construction among the several owners according to their respective interests therein and settle the proportions in which the ditch shall be maintained; and the notices shall be served not less than twelve clear days before the time named therein for meeting.

Form of
agreement

7. If an agreement is arrived at by the owners as in the next preceding section is provided it shall be reduced to writing in the form C and signed by all the owners and shall within twelve days after the signing thereof be filed with the secretary of the municipality in which the parcel of land the owner of which requires the ditch is situate; but if the lands affected lie in two or more municipalities the agreement shall be in as many numbers as there are municipalities and filed as aforesaid with their respective secretaries; and the agreement may be enforced in the like manner as an award of the engineer as hereinafter provided.

Filing

Informalities
not to
invalidate
proceedings

8. No proceedings taken or agreement made and entered into under the provisions of sections 6 and 7 of this Act shall in any case for want of strict compliance with such provisions be void or invalidate any subsequent proceedings under this Act provided the notices required by section 6 of this Act have been duly served; and any such agreement may with the consent in writing of the parties thereto (which consent shall be filed in the same manner as the agreement) or by order of the court or of the judge on an appeal under this Act be amended so as to cause the same to conform to the provisions of this Act.

Adjourning
meeting for
purpose of
adding
parties

9. If at or before the meeting of owners provided for in section 7 of this Act it appears that any notice required by section 6 has not been duly served the owners present at such meeting shall adjourn the same to some subsequent day in order to allow the necessary notices to be duly served; and such adjourned meeting shall if such notices have been given and served as provided by section 6 be a sufficient compliance with the provisions of this Act.

Chief
executive
officer to
sign on
behalf of
municipality
interested

10. The chief executive officer of the municipality shall have power on behalf of the municipality to sign the agreement aforesaid and his signature shall be binding upon the municipality.

Requisition
for
appointment
by engineer
when no
agreement
arrived at

11. In case an agreement as aforesaid is not arrived at by the owners at the said meeting or within six days thereafter then the owner requiring the ditch may file with the secretary of the municipality in which such parcel is situate a requisition in the form D naming therein all the several parcels of land that will be affected by the ditch and the respective owners thereof and requesting that an engineer to be appointed by the municipality under this Act be asked to appoint a time and place in the locality of the proposed ditch at which the said engineer will attend to make an examination as hereinafter provided.

12. Upon receipt of such requisition in the form D the council shall name and appoint one person to be an engineer to carry out the provisions of this Act and such engineer shall be and continue an officer of the municipality until his appointment is revoked and another engineer is appointed in his stead who shall have authority to commence proceedings under this Act or to continue such work as may have been already undertaken.

Appointment
of engineer

(2) The council when necessity requires shall provide for payment to the secretary of a fair and reasonable remuneration for services performed by him in carrying out the provisions of this Act and shall fix the charges to be made by the engineer of the municipality for services performed by him under this Act and such charges shall not exceed \$15 per day and legitimate expenses.

Fees of
clerk and
engineer

(3) Every engineer appointed under this Act shall before entering upon his duties take and subscribe the oath or affirmation in the form E and shall file the same with the secretary.

13. The secretary upon receiving the requisition shall forthwith enclose a copy thereof in a registered letter to the engineer and on receipt of the same by the engineer he shall notify the secretary in writing appointing a time and place at which he will attend in answer to the requisition and on receipt of the notice of appointment from the engineer the secretary shall file the same with the requisition and shall forthwith send by registered letter a copy of the notice of appointment to the owner making the requisition who shall at least ten days before the time so appointed serve upon the other owners named in the requisition a notice in the form F requiring their attendance at the time and place fixed by the engineer and shall after serving such notice endorse on one copy thereof the time and manner of service and leave the same with the endorsements thereon with the engineer not later than the day before the time fixed in the notice of appointment.

Notice to
engineer
and notice of
appointment
made by
engineer

14. Notices under the provisions of this Act shall be served personally or by leaving the same at the place of abode of the owner or occupant with some person residing thereat apparently or actually over the age of sixteen years and in case of non-residents then upon the agent of the owner or by registered letter addressed to the owner at the post office address shown by the records of the proper land titles office or in case of the owner of unpatented land by the records of the proper Dominion lands office.

Mode of
serving
notices

(2) Any occupant not the owner of the land notified in the manner provided by this Act shall immediately notify the owner thereof and shall if he neglects to do so be liable for all damages suffered by such owner by reason of such neglect.

(3) Whenever an owner serves any notice required by this Act he shall keep a record showing the names of the parties served and the time, place and manner of service and shall if required to do so by a judge or the secretary make an affidavit proving such service.

15. The engineer shall attend at the time and place appointed by him in answer to the requisition and shall examine the

Duties of
the engineer

locality and if he deems it proper or if requested by any of the owners may examine the owners and their witnesses present and take their evidence and may administer an oath or affirmation to any owner or witness examined by him; if upon examining the locality the engineer is of opinion that the lands of owners upon whom notice has not been served will be affected by the ditch he shall direct that the notice required by section 13 hereof shall be served on such owners by the owner making the requisition and shall adjourn the proceedings to the day named in the notice for continuing the same for the purpose of allowing such owners to be present and to be heard upon the examination and taking of evidence.

(2) The engineer may adjourn his examination and the hearing of evidence from time to time and if he finds that the ditch is required he shall within thirty days after his first attendance make his award in writing in the form G specifying clearly the location, description and course of the ditch, its commencement and termination, apportioning the work and the furnishing of material among the lands affected and the owners thereof according to his estimate of their respective interests in the ditch, fixing the time for performance by the respective owners, apportioning the maintenance of the ditch among all or any of the owners so that as far as practicable each owner shall maintain the portion of his own land and stating the amount of his fees including the estimated cost of his inspection after the time has expired for the construction of the ditch according to his award and the other charges and by whom the same shall be paid.

(3) In making his award the engineer shall consider direct benefit only to the lands affected.

(4) The period prescribed for the engineer to make his award shall be exclusive of the time required to obtain the approval of the works or the specifications or plans thereof by the board of railway commissioners for Canada where such approval is necessary.

(5) In any case where a ditch is to be covered the engineer shall in his award specify the kind of material to be used in the covered portion of such ditch.

Engineer
may order
opening of
ditch across
land of a
person not
benefited

16. Should the engineer be of the opinion that the land of any owner will not be sufficiently affected by the construction of the ditch to make him liable to perform any part thereof and that it is necessary or not, as the case may be, to construct the ditch across or into his land he may by his award relieve such owner from performing any part of the work of the ditch and place its construction on the other owners and any person carrying out the provisions of the award upon the land of the owner so relieved shall not be considered a trespasser while causing no unnecessary damage and he shall replace any fences opened or removed by him; and the owner so relieved may claim compensation for damage done to his land by the construction of the ditch; and the engineer shall award such damages as he deems reasonable and shall state the amount thereof in the award.

(2) No award for damages shall be made under this section where the construction of such ditch consists of restoring a

natural watercourse to its original condition, but the engineer may award damages where in his opinion such natural watercourse has been enlarged beyond its original size.

17. The engineer shall forthwith after making his award as hereinbefore provided file the same and a plan, profile and specifications of the ditch in duplicate with the secretary of the initiating municipality but should the lands affected lie in two or more municipalities then the engineer shall file with the said secretary as many additional copies of the award, plan, profile and specifications as there are other municipalities affected and the secretary of the initiating municipality shall forward a copy to the secretary of each municipality affected; such award, plan, profile or specifications may be given as evidence in any legal proceedings by certified copy as are other official documents and the secretary of the municipality or of each of the municipalities shall forthwith upon the filing of the award notify each of the persons affected thereby within the municipality of which he is secretary by registered letter or personal service of the filing of the same and the portion of work to be done and material furnished by the person notified as shown by the award; and the secretary shall keep a book in which he shall record the names of the parties to whom he has sent notices, the address to which the same was sent and the date upon which the same was deposited in the post office or personally served.

Filing
award:
notice to
persons
affected

(2) The secretary of the initiating municipality shall forthwith forward one copy of the award, plan, profile, and specifications to the Minister to be filed in his department.

Copy of
plans, etc.,
to be sent
to Minister

18. If the lands affected by the ditch are situate in two or more municipalities the engineer of the initiating municipality shall have full power and authority to continue the ditch into or through so much of the lands in any other municipality as may be found necessary but within the limits hereinbefore provided; and all proceedings authorized under the provisions of this Act shall be taken and carried on in the municipality where commenced.

Powers of
engineer of
municipality
in which
proceedings
commenced

19. In every case where lands or roads in two or more municipalities are affected the secretary of the initiating municipality shall forward to the secretary of each of the other municipalities a certified copy of every certificate affecting or relating to lands or roads therein respectively and the council thereof shall pay the sum for which lands and roads within its limits are liable to the treasurer of the initiating municipality and unless the amounts are paid within twelve days after demand in writing by the parties declared by the certificate liable to pay the same such council shall have power to take all proceedings for the collection of the sums so certified to be paid as though all the proceedings had been taken and carried on within its own limits.

Certificates
relating to
lands or
roads in
adjoining
municipalities

20. The council of any municipality may enter into an agreement with any railway company for the construction or enlargement by the railway company of any ditch or culvert on the lands of such railway company and for the payment of the cost of such work after completion out of the general funds of the

Culverts,
etc., on
railway lands

municipality and the council shall have power to assess and levy the amount so paid exclusive of any part thereof for which the municipality may be liable under the award as to the cost of the work in the same manner as taxes are levied upon the lands mentioned in the award and in the relative proportion of the estimated cost of the work to be done and materials furnished by the respective owners in the construction of such ditch; and such assessment shall in every case be determined by a supplementary award made by the engineer and shall be subject to appeal to the judge in the same manner as other awards made under this Act.

(2) No agreement with a railway company shall be entered into by a council under this section which will impose a special liability on the owners without the consent in writing filed with the secretary of the municipality of two-thirds of the owners liable for the construction of the ditch in respect to which such work on railway lands is to be undertaken.

(3) The cost of any such work on railway lands shall be exclusive of the sum fixed as the limit of the cost of the work imposed by section 3 of this Act.

Appeals from
award to
judge

21. Any owner dissatisfied with the award of the engineer and affected thereby may within twelve clear days after the date of the mailing or service of the last of the notices of the filing of the award as provided in section 17 hereof appeal therefrom to the judge and the proceedings on the appeal shall be as hereinafter provided.

Notice of
appeal

(2) The appellants shall serve upon the secretary of the initiating municipality a notice in writing of his intention to appeal from the award shortly setting forth therein the grounds of appeal.

Clerk to
notify judge
and judge to
fix time and
place for
hearing

(3) The secretary in the next preceding subsection mentioned shall after the expiration of the time for appeal forward by registered letter or delivery a copy of the notice or notices of appeal and a certified copy of the award and also the plans, profiles and specifications to the judge who shall forthwith upon the receipt of the registered letter or documents aforesaid notify the secretary of the time he appoints for the hearing thereof and shall fix the place of hearing at the city, town or village nearest to the ditch unless the judge for the greater convenience of the parties and to save expense fixes some other place for the hearing; the judge may if he thinks proper order such sum of money to be paid by the appellant or appellants to the said secretary as will be a sufficient indemnity against costs of the appeal; and the secretary upon receiving notice from the judge shall forthwith notify the engineer whose award is appealed against and all parties interested in the manner provided for the service of notices under this Act.

Inspection of
premises by
another
engineer

(4) Any appellant may have the lands and premises inspected by any other engineer or person who for such purposes may enter upon such lands and premises but shall do no unnecessary damage.

Clerk of
the court

(5) The secretary of the municipality to whom notice of appeal is given shall be the clerk of the court and shall record the proceedings.

(6) It shall be the duty of the judge to hear and determine the appeal or appeals within two months after receiving notice thereof from the secretary of the municipality as hereinbefore provided or within such further period as the judge on hearing the parties may decide to be necessary in order to allow proper inspection of the premises to be made as authorized by the next following subsection.

Judge to
hear and
determine
within two
months

(7) The judge may set aside, alter or affirm the award and correct any errors therein; he may examine parties and witnesses on oath and may inspect the premises and may require the engineer to accompany him; and should the award be affirmed or altered the costs of appeal shall be in his discretion and it set aside he shall have power to provide for the payment of the costs in the award mentioned and also the costs of appeal and may order the payment thereof by the parties to the award or any of them as to him may seem just and may fix the amount of such costs.

Powers of
judge on
appeal

(8) The judge shall be entitled to charge for holding court for the trial of appeals under this Act and for the inspection of the premises the sum of five dollars per day and his necessary disbursements which charge shall be considered part of the costs of appeal under the provisions of the next preceding subsection. 1914, c. 2, s. 20.

Fees and
disbursements
of judge

(9) The award so altered or affirmed shall be certified by the secretary together with the costs ordered and by whom to be paid and shall be enforced in the same manner as the award of the engineer and the time for the performance of its requirements shall be computed from the date of such judgment in appeal; and the secretary shall immediately after the hearing send by registered letter to the secretary of any other municipality in which lands affected by the ditch are situate a certified copy of the changes made in the award by the judge which copy shall be filed with the award; and each secretary shall forthwith by registered letter notify every owner within the municipality of any change made by the judge in the portion of work and material assigned to such owner.

Enforcement
of award as
amended

22. No award made by an engineer under this Act shall be set aside by the judge for want of form only or on account of want of strict compliance with the provisions of this Act and the judge shall have power to amend the award or other proceedings and may in any case refer back the award to the engineer with such directions as may be necessary to carry out the provisions of this Act.

Judge may
amend or
refer back
award

23. Every award made under the provisions of this Act shall after the lapse of the time hereinbefore limited for appeal to the judge and after the determination of appeals, if any, by him, where the award is affirmed be valid and binding to all intents and purposes notwithstanding any defects in form or substance either in the award or in any of the proceedings relating to the works to be done thereunder taken under the provisions of this Act.

When award
to be binding
notwithstand-
ing defects

24. In all appeals under this Act from the engineer's award the judge shall possess all such powers for compelling the

Powers of
judge as to
taking
evidence

attendance of and for the examination on oath of all parties and other persons as belong to or might be exercised by him in the District Court.

Clerk may
issue
subpoenas

25. Upon an appeal to a judge under this Act the secretary of the municipality shall have the like powers as the clerk of a District Court as to the issuing of subpoenas to witnesses upon the application of any party to the proceedings or upon an order of the judge for the attendance of any person as a witness before him.

Fees

(2) The fees to be allowed to witnesses upon an appeal under this Act shall be upon the scale of fees allowed to witnesses in any action in the District Court.

Municipalities
to pay costs,
etc., and
collect same
from persons
liable

26. The municipality or each of the municipalities shall within twelve days after the expiration of the time for appeal, or after appeal, as the case may be, pay to the engineer and the judge and all other persons entitled to the same their charges and fees or the portion thereof awarded or adjudged to be paid by the owners therein and shall if the same are not forthwith repaid by the persons awarded or adjudged to pay the same cause the amount with ten per centum added thereto to be placed upon the tax roll or assessment roll in cases where the assessment roll is also the tax roll as a charge against the lands of the persons so in default and the same shall thereupon become a charge upon such lands and shall be collected in the same manner as taxes.

Letting
work on
noncompliance
with award

27. The engineer at the expiration of the time limited by the award for the completion of the ditch shall inspect the same and if he finds the ditch or any part thereof not completed in accordance with the award he may let the work and supply of material to the lowest bidder who shall give security to be approved by the engineer in favour of the municipality by which he was appointed for the due performance thereof within a limited time; but no such letting shall take place—

- (a) Until notice in writing of the intended letting has been posted for ten clear days in at least three conspicuous places in the neighbourhood of the place at which the work is to be done; and until a notice of the intended letting has been published in two consecutive weekly issues of at least one newspaper, published or circulating in the vicinity of the ditch;
- (b) Until the expiration of twelve days after the sending of the notice by registered letter as provided in section 14 hereof to nonresidents interested in the said award.

Extension
of time for
compliance

(2) If however the engineer is satisfied of the good faith of the person failing in the performance of the award and there is good reason for the nonperformance thereof he may in his discretion and upon payment of the fees and charges extend the time for performance.

Liability of
person in
default of
doing work
after
proceedings
began

(3) Any owner in default of supplying the material and doing the work after proceedings are begun to let the same shall be liable for the fees and expenses occasioned by his default and the same shall form a charge on his land and if not paid by him on notice the council shall pay the same on the certificate of the

engineer and shall cause the amount with ten per centum added thereto to be placed on the tax roll or assessment roll in cases where the assessment roll is also the tax roll against the lands of the person in default to be collected in the same manner as other taxes.

(4) The engineer may let the work and supply of material or any part thereof by the award directed a second time or oftener if it becomes necessary in order to secure its performance and completion.

28. The engineer shall after receipt of notice in writing of the supplying of material and completion of the work let as in the next preceding section mentioned inspect the same and shall if he finds the material furnished and the work completed certify the same in writing in the form H stating the name of the contractor, the amount payable to him, the fees and charges to which the engineer is entitled for his services rendered necessary by reason of the nonperformance and by whom the same are to be paid.

Certificates of engineer upon completion of work let

29. The council shall at its meeting held next after the filing of the certificate or certificates as in the next preceding section mentioned pay the sums therein set forth to the persons therein named; and unless the owners within the municipality upon notice pay the sums for which they are thereby made liable the council shall have power to cause the amount for which the owner is liable together with ten per centum added thereto to be placed upon the tax roll or assessment roll in cases where the assessment roll is also the tax roll and the same shall thereupon become a charge against the lands of such owners respectively and shall be collected in the same manner as other taxes.

Payment of amounts named in certificates of engineer

30. If it appears to the engineer that heavy work is required the engineer may cause the same to be done by letting it out to public competition by tender or otherwise instead of requiring each owner benefited to do his share of the work and the engineer shall by his award determine the fractional part of the whole cost thereof which shall be paid by each of the owners benefited and upon completion of such heavy work shall certify to the secretary of the municipality by which he was appointed the total cost thereof including his fees and charges and the said secretary and the secretary of any other municipality affected shall notify each of the owners liable to contribute under the award within their respective municipalities of the said total cost and the part to be paid by him, and unless forthwith paid the same with ten per centum added thereto shall be placed on the tax roll or assessment roll in cases where the assessment roll is also the tax roll of the municipality in which his lands are situate and the same shall thereupon become a charge against the land of each owner so liable and shall be collected in the same manner as other taxes.

Letting contracts for heavy work

(2) It shall be the duty of the initiating municipality through the treasurer thereof to pay the contractor for such heavy work as soon as done to the satisfaction and upon the certificates of the engineer and also to pay the fees and charges of the engineer in connection therewith.

Payment of contractor and engineer

Owners
desiring to
avail
themselves
of ditch
after
construction

31. In case any owner during or after the construction of a ditch desires to avail himself of such ditch for the purpose of draining lands other than those contemplated by the original proceedings he may avail himself of the provisions of this Act as if he were an owner requiring the construction of a ditch; but no owner shall make use of such ditch after construction unless under an agreement or award pursuant to the provisions of this Act.

Deepening,
widening
or covering
ditch

32. This Act shall apply to the extension, deepening, widening or covering of any ditch already or hereafter constructed no matter by whom or when or under what authority and the proceedings to be taken for procuring such extension, deepening, widening or covering shall be the same as the proceedings to be taken for the construction of a ditch under the provisions of this Act; but in no case shall a ditch be covered unless it will provide capacity for all the surface and other water from lands and roads draining naturally towards and into it as well as for the water from all the lands made liable for the construction thereof.

Maintenance
of ditches
heretofore
or hereafter
constructed

33. The maintenance of any ditch, whether covered or open or of any creek or watercourse that has been deepened or widened under any authority in that behalf, or constructed, deepened, widened or covered under the provisions of this Act shall be performed by the respective owners in such proportion as is provided in the original or any subsequent award and the manner of enforcing the same shall be as hereinafter provided.

Enforcing
maintenance

34. If any owner whose duty it is to maintain any portion of a ditch neglects to maintain the same in the manner provided by the award any of the owners, parties to the award, whose lands are affected by the ditch may in writing notify the owner making default to have his portion put in repair within ten days from the receipt of such notice and if the repairs are not made and completed within such ten days the owner giving the notice in writing may request the council to have the portion complained of inspected by an engineer.

(2) The inspection by the engineer and the proceedings for doing and completing the repairs required and enforcing payment of costs, fees and charges shall be as hereinbefore provided in case of noncompletion of the construction of a ditch but should the engineer find no cause of complaint he shall certify the same with the amount of his fees and charges to the owner who complained and also to the secretary of the municipality and the owner who made complaint shall pay the fees and charges of the engineer and if not forthwith paid by him the same shall be charged and collected in the same manner as is provided for by this Act in the case of other certificates of the engineer.

Proceedings
for widening,
etc.

35. Any owner interested in or affected by any ditch heretofore constructed or hereafter constructed otherwise than under this Act may take proceedings for the deepening, widening, extending, covering or repairing of such ditch in the same manner as for the construction of a ditch under this Act:

Provided always that the extent of the work and costs thereof and assessment therefor shall not exceed the limitations imposed by sections 3 and 4 of this Act.

36. Any owner party to the award whose lands are affected by a ditch whether constructed under this Act or any other authority in that behalf may at any time after the expiration of two years from the completion of the construction thereof or in case of a covered drain at any time after the expiration of one year take proceedings for the reconsideration of the agreement or award under which it was constructed and in every such case he shall take the same proceedings and in the same form and manner as are hereinbefore provided in the case of the construction of a ditch: Proceedings for reconsideration of agreement or award

Provided that in case any ditch after its construction proves insufficient for the purposes for which it was constructed so as to cause an overflow of water upon any lands along the said ditch and cause damage to the same any owner party to the award may at any time after the expiration of six months from the completion of the ditch take proceedings as aforesaid for the reconsideration of the agreement or award under which such ditch was constructed for the purpose of remedying the defect in that particular respect. Proviso

37. No action, suit or other proceeding shall lie or be had or taken for a *mandamus* or other order to enforce or compel the performance of an award or completion of a ditch made under this Act but the same shall be enforced in the manner provided for by this Act. Actions for mandamus, etc., not to lie

38. In carrying into effect the provisions of this Act the forms set forth in the schedule hereto may be used and the same or forms to the like effect shall be deemed sufficient for the purposes mentioned in the said schedule. Use of forms

39. Where it is desired to construct a ditch through lands not included in a municipality an owner may commence proceedings under this Act by filing with the Minister the declaration of ownership referred to in section 5 hereof and in such case or in case a ditch commenced in a municipality is to be extended into or through lands not included in any municipality the Minister shall with respect to such lands have all the powers and perform all the duties invested in or devolving upon a council or secretary with respect to lands in a municipality and all the provisions of this Act shall *mutatis mutandis* apply to work in such unorganized territory. Application to works in unorganized territory

SCHEDULE.

FORM A.

(Section 5.)

DECLARATION OF OWNERSHIP.

In the matter of *The Private Ditches Act* and in the matter of a ditch in Township.....in Range.....west of the.....Meridian,
in the Province of Alberta.
I,.....of.....
in the Province of Alberta.....do solemnly declare and

affirm that I am the owner within the meaning of *The Private Ditches Act* of the quarter (or as the case may be) of Section in Township in Range west of the Meridian, in the Province of Alberta, being (describe the nature of ownership).
Solemnly declared and affirmed before me }
at }
in the Province of Alberta this }
day of 19

A Commissioner for Oaths, J.P., or N.P.,
or Secretary of Municipality.

FORM B.

(Section 6.)

NOTICE TO OWNERS OF LAND AFFECTED BY PROPOSED DITCH.

To Alta., 19....
Sir, —

I am within the meaning of *The Private Ditches Act* the owner of the quarter (or as the case may be) of Section in Township in Range west of the Meridian, in the Province of Alberta, and as such owner I require a ditch to be constructed (or if for reconsideration of agreement or award to deepen, widen or otherwise improve the ditch, state the object) for the draining of my land under the said Act. The following other lands will be affected (here set out the other parcels of land and the name of the owner in each case, also each road and the municipality within which it is situated).

I hereby require that you as owner of the said (describe his land) will attend at (state place of meeting) on the day of 19.... at the hour of o'clock in the noon with the object of agreeing if possible on the respective portions of the work and materials to be done and furnished by the several owners interested and the several portions of the ditch to be maintained by them.

Yours, etc.,

.....
Name of Owner.

FORM C.

(Section 7.)

AGREEMENT OF OWNERS.

..... Alta., 19....

Whereas it is found necessary that a ditch should be constructed (or deepened, or widened, or otherwise improved) under the provisions of *The Private Ditches Act* for the draining of the following lands (and roads if any): (here describe each parcel of land and give name of owner, including applicant's own land and also roads and the municipality within which situated):

Therefore, we the owners within the meaning of the said Act of the said lands (and if roads proceed and the mayor, overseer or reeve of the said municipality on behalf of the council thereof) do agree each with the other as follows:

That a ditch be constructed (or as the case may be) and we do hereby estimate the cost thereof at the sum of \$ and the ditch shall be of the following description (here give point of commencement, course and determination, its depth, bottom and top, width and other particulars as agreed upon; also any bridges, culverts or catch basins, etc., required).

I owner of (describe the lands) agree to (here give portion of work to be done or material to be supplied) and to complete the performance thereof on or before the day of 19....

I,, owner of, etc., (as above and so on with all the owners and the whole ditch).

That the ditch when constructed shall be maintained as follows:

I,, owner of (describe his lands) agree to maintain the portion of the ditch from (state point of commencement) to (state the point of termination of his portion).

I,, owner of, etc. (as above and so on with the owners and the whole ditch).

To be signed here by all the owners.

Signed in the presence of

FORM D.

(Section 11.)

REQUISITION FOR THE EXAMINATION BY ENGINEER.

.....Alta.,.....19

To (Name of Secretary).

Secretary of

(P.O. Address).

Sir,—

I am within the meaning of *The Private Ditches Act* the owner of the quarter (or as the case may be) of Section in Township in Range west of the Meridian, in the Province of Alberta, and as such I require to construct (deepen, widen or otherwise improve as needed) a ditch under the provisions of the said Act for the drainage of my said land, and the following lands and roads will be affected: (here describe each parcel of land to be affected as in the notice for the meeting to agree and state the name of the owner thereof) and the said owners having met and failed to agree in regard to the same I request that an engineer to be appointed by the municipality for the purpose of the said Act be asked to appoint a time and place in the locality of the proposed ditch at which he shall attend and examine the premises, hear any evidence of the parties and their witnesses and make his award under the provisions of the said Act.

Signature of party applying.

FORM E.

(Section 12 (3).)

In the matter of *The Private Ditches Act*.

I, of in the Province of Alberta (engineer or surveyor) make oath and say (or do solemnly declare and affirm) that I will to the best of my skill, knowledge, judgment and ability honestly and faithfully and without fear of, favour to or prejudice against any owner or owners perform the duties from time to time assigned to me in connection with work under *The Private Ditches Act* and make a true and just award thereon.

Sworn (or solemnly declared and affirmed)

before me at
in the Province of Alberta; this
..... day of
19.....

A Commissioner for Oaths, J.P., N.P., or
Secretary of Municipality.

FORM F.

(Section 13.)

NOTICE OF APPOINTMENT FOR EXAMINATION BY ENGINEER.

To (Name of owner).Alta.,19....
(P.O. Address).

Sir,—

You are hereby notified that..... has been appointed engineer for the purposes of *The Private Ditches Act* and has in answer to my requisition fixed the hour of..... o'clock in the..... noon ofday the..... day of..... 19..... at..... in the Province of Alberta as the time and place for examining the premises and site of the ditch required by me to be constructed under the provisions of the said Act (*or as the case may be*) and you as owner of lands affected are required to attend with any witnesses that you may desire to have heard at the same time and place.

Yours, etc.,

.....
Signature of Applicant.

FORM G.

(Section 15 (2).)

AWARD OF ENGINEER.

I,....., the engineer appointed by the council of (*city, town, village, rural municipality or local improvement district, as the case may be*) under the provisions of *The Private Ditches Act* having been required so to do by the requisition of..... owner of thequarter (*or as the case may be*) of Section..... in Township..... in Range..... west of the..... Meridian, in the Province of Alberta, filed with the secretary of said municipality and representing that he requires certain work to be done under the provisions of the said Act for the drainage of the said land and that the following other lands (and roads, *if any*) will be affected (*here set out the other parcels of lands or roads affected as in the requisition*) did attend at the time and place named in my notice in answer to said requisition and having examined the locality (and the parties and their witnesses *if such be the case*) find that the ditch (*or the deepening or widening of a ditch*) is within the said Act and is required.

The location, description and course of the ditch and its point of commencement and termination are as follows:

(*Here describe the ditch as to all above particulars.*) The said work will affect the following lands (and roads, *if any*). (*Here set forth and describe the lands and state the owners.*)

I do therefore award and apportion the work and the furnishing of material among the lands (and roads, *if any*) affected and the owners thereof according to my estimate of their respective interests in the said work as follows:

1. (*Name, owner and description of his land*) shall make and complete (*here fix the point of commencement and ending of his portion*) and shall furnish the following material (*state what material*) all of which according to my estimate will amount in value to \$..... and I fix the time for the performance of such work and providing such material at not later than theday of..... 19.....

2. (*Name of owner and description of land and so on as above to the end.*)

I do further award and apportion the maintenance of the ditch as follows:

1. (*Name of owner and description of land*) shall maintain (*here state point of commencement and ending of his portion*).

2. (*Name of owner, etc., as above.*)

3. (*Name of owner, etc., as above*) shall receive \$..... as compensation for damages which shall be borne and paid as follows: (*State by whom and by what lands respectively*).

My fees and the other charges attendant upon and for making this award are (*here give fees and other charges in detail*) amounting in all to \$..... which shall be borne and paid as follows:
(*State by whom and by what lands respectively*).
.....

WITNESS:

Signature of Engineer.

FORM H.

(Section 28.)

CERTIFICATE OF ENGINEER.

To.....

Secretary of.....

I hereby certify that..... has furnished the material and completed the work (*as the case may be*) which under my award made in accordance with the provisions of *The Private Ditches Act* and dated the..... day of..... 19....., one..... owner of the..... quarter (*or as the case may be*) of Section..... in Township..... in Range..... west of the..... Meridian, in the Province of Alberta, was adjudged to furnish or perform and having failed to furnish or perform the same, it was subsequently let by me to the said..... for the sum of \$..... and as he has now completed the furnishing and performance thereof he is entitled to be paid the said amount.

I further certify that my fees and charges for my services rendered necessary by reason of such failure are (*give items*) amounting to \$..... and said amount payable to the said contractor and my said fees and charges are chargeable on (*describe land to be charged therewith*) under the provisions of *The Private Ditches Act*.

Dated this..... day of..... 19.....

Signature of Engineer.

1913

(FIRST SESSION)

CHAPTER 7.

An Act to amend Chapter 3 of the Statutes of the Province of Alberta, 1911-12, intituled "An Act respecting Rural Municipalities."

(Consolidated in Chapter 3, 1911-12.)

1913

(FIRST SESSION)

CHAPTER 8.

An Act to amend Chapter 2 of the Statutes of the Province of Alberta, 1911-12, intituled "An Act respecting Towns."

(Consolidated in Chapter 2, 1911-12.)

1913

(FIRST SESSION)

CHAPTER 9.

An Act to amend the Statute Law.

(Consolidated in the various Acts.)

1913
(FIRST SESSION)

CHAPTER 10.

**An Act to regulate the Purchase, Sale and Transfer of
Stocks of Goods in Bulk.**

(Assented to March 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Alberta, enacts
as follows:

1. This Act may be cited as "*The Bulk Sales Act of Alberta.*" Short title

2. It shall be the duty of every person who shall bargain for, buy or purchase any stock of goods, wares or merchandise in bulk, for cash or on credit, before closing the purchase of the same, and before paying to the vendor any part of the purchase price, or giving any promissory note or notes, or any security for the said purchase price, to demand of and receive from such vendor, and it shall be the duty of each vendor of such goods to furnish to the purchaser a written statement, verified by the statutory declaration of the vendor or his duly authorized agent, or if the vendor is a corporation, by the statutory declaration of the president, vice-president, secretary-treasurer or manager of such corporation, which statement shall contain the names and addresses of all the creditors of the said vendor, together with the amount of the indebtedness or liability due, owing, payable or accruing due, or to become due and payable by said vendor to each of said creditors, which said statement and declaration may be in the form set forth in schedule A hereto, or to a like effect.

Purchaser of
stock of
goods in
bulk to
demand and
vendor to
furnish
statement
showing
particulars
of all debts
over \$50
verified by
statutory
declaration

3. Whenever any person shall bargain for or purchase any stock of goods, wares or merchandise in bulk, for cash or on credit, and shall pay any part of the purchase price or execute or deliver to the vendor or to his order, or to any person for his use, any promissory note or other document for or on account of the purchase price of said goods, or any part thereof, without first having demanded and obtained from the vendor, or from his agent, or if the vendor is a corporation from the president, vice-president, secretary-treasurer or manager thereof, a written statement verified by statutory declaration purporting to be such as is provided for in the preceding section of this Act, then such sale shall, in and with respect to any action or proceeding which within sixty days thereafter is brought, had or taken against such purchaser, to impeach or set aside such transaction; be deemed to be fraudulent and shall be absolutely void as against the creditors of the vendor, and every disposition made of the purchase money or of a note or other security given therefor by the purchaser shall be fraudulent and void as between the purchaser and creditors of the vendor, unless the whole

If such
statutory
declaration
not demanded
and furnished
sale deemed
fraudulent
and shall be
void as
against the
creditors
of the vendor

Unless proceeds
applied in
payment of
debts

of the proceeds of such sale, or sufficient thereof to satisfy the claims of all creditors of the vendor is in fact actually applied by the vendor in or towards payment of all his creditors, without giving any preference or priority to one over another except such as is provided for by law or previous contract.

(2) Where goods, wares and merchandise purchased in bulk contrary to the provisions of this Act are resold in bulk, and it appears to the court that the sale and re-sale were made for the purpose of evading this Act, the rights of the creditors of the original vendor hereunder shall be capable of enforcement against the person or persons in possession of such goods, wares and merchandise, in the same way as though they were still in the hands of the original purchaser.

Duty of
purchaser
in such case

Distribution
of money

Fees of trust
company

4. Any such purchaser upon obtaining such written statement and statutory declaration shall either obtain the written waiver hereinafter referred to, from the creditors of the vendor, or shall pay the whole of his purchase money or sufficient thereof to satisfy the claims of all the creditors of the vendor, or deliver his promissory note or notes or other documents securing the same, or part thereof, into the hands of an official assignee, for distribution *pro rata* among the creditors of the said vendor, subject to any preferences provided for by law or by previous contract. Such distribution shall be made in like manner as moneys are distributed by an official assignee under *The Assignments Act*, and all the provisions of *The Assignments Act* relating to meetings of creditors, advertising for creditors and proof of claims shall apply to proceedings had by an official assignee under this section. The fees of any such official assignee shall not exceed 3 per cent. of the total proceeds of such sale which shall come to his hands, and shall together with any disbursements be paid by being deducted out of the moneys to be received by the said creditors and shall in no event be charged to the debtor; provided further that from and after the furnishing of such declaration no preference or priority shall be obtainable by any creditor by attachment or garnishing process or otherwise.

Consequence
if purchaser
fails to carry
out require-
ments of Act

5. If such purchaser upon receiving such written statement and statutory declaration shall fail to observe the requirements of the last preceding section without obtaining the written waiver from creditors hereinafter referred to, then such purchaser shall be liable to the creditors of the vendor in the amount of the purchase price or such portion thereof as is not or has not been paid or applied in or towards payment of all the creditors of the vendor *pro rata* without giving any preference or priority to one over another, except such as is provided by law or previous contract.

What to be
deemed "a
sale in bulk"

6. Any sale or transfer of a stock of goods, wares or merchandise, out of the usual course of business or trade of the vendor, or whenever substantially the entire stock-in-trade of the vendor shall be sold or conveyed, or whenever an interest in the business or trade of the vendor is sold or conveyed, or attempted to be sold and conveyed, such sale, transfer or conveyance shall be deemed "a sale in bulk" within the meaning of this Act; provided, however, that if the vendor produces and delivers to the vendee

a written waiver of the provisions of this Act from his creditors, representing fifty per cent. in number and value of the claims as shown by said written statement, then the provisions of this Act shall not apply.

7. This Act shall only apply to sales by traders and merchants defined as follows: **Only sales by traders and merchants**

- (a) Persons who as their ostensible occupation buy and sell goods, wares and merchandise, ordinarily the subject of trade and commerce;
- (b) Commission merchants;
- (c) Manufacturers.

8. Nothing in this Act contained shall apply to or affect any sale by executors, administrators, receivers, assignees for the benefit of creditors or any public official acting under judicial process.

SCHEDULE A.

Statement showing names and addresses of all creditors of.....
..... of

Name of Creditors	Post Office Address	Nature of indebtedness	Amount	When due

STATUTORY DECLARATION.

I, _____ of _____ in the Province of Alberta, do solemnly declare that the above is a true and correct statement of the names and addresses of all _____ creditors, and shows correctly the amount of the indebtedness or liability due, owing, payable or accruing due, or to become due, and payable by _____ to each of said creditors. *(If the declaration is made by an agent add) I am the duly authorized agent of the vendor and have a personal knowledge of the matters herein declared to.*

Or, if the vendor is a corporation—

I, _____ of _____
in the Province of Alberta, do solemnly declare that the above is a true and
correct statement of the names and addresses of all the creditors of the
_____, company, and shows correctly the amount of
the indebtedness or liability due, owing, payable or accruing due, or to become
due and payable by such company to each of said creditors, and that I am the
_____ of the said company, and have a personal know-
ledge of the matters herein declared to.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at the
of
In the Province of Alberta, this
day of A.D. 19.....

A Commissioner, etc.

1913

(FIRST SESSION)

CHAPTER 11.

An Act respecting Schools of Agriculture.

(Assented to March 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

Short title 1. This Act may be cited as "*The Agricultural Schools Act.*"

INTERPRETATION.

Interpretation 2. In this Act unless the context otherwise requires—
1. The expression "school" means a school for the purpose of teaching practical and scientific farming, household economy, domestic science and such other subjects as the Board may prescribe;
2. The expression "Minister" means the Minister of Agriculture;
3. The expression "Board" means the Board of Agricultural Education.

ESTABLISHMENT AND ORGANIZATION.

Establishing schools 3. A school may be established in connection with each of the demonstration farms, now owned or hereafter acquired by the province, or at such other point or points within the province as may be decided upon by the Lieutenant Governor in Council.

Teaching staff 4. The Lieutenant Governor in Council shall appoint the teaching staff for each school and shall fix the salary of the respective members of the staff.

5. The Department of Public Works shall erect, furnish and equip the necessary buildings for the schools.

6. Except as herein otherwise provided the Minister shall have charge of the government, conduct, management, and control of the schools and of the property, revenues, business and affairs thereof.

THE BOARD.

Board to consist of nine members 7. There shall be and is hereby constituted a Board of Agricultural Education to be composed of nine members, three of whom shall be graduates of an Agricultural College, to be appointed

by the Lieutenant Governor in Council; and of the first appointed members of the Board, three shall be appointed to hold office for one year, three for two years, and the remaining three for three years, and each of them until his successor is appointed. All members of the Board subsequently appointed except as provided for in section 13 shall hold office for three years.

8. No person shall be eligible for appointment as a member of the Board unless he is a British subject and a resident of this province. ^{Disqualifications}

9. One of the members of the Board shall be appointed by the Lieutenant Governor in Council to be chairman thereof. ^{Chairman}

10. The Board may appoint one of its members to be vice-chairman, and in the absence or illness of the chairman, or of there being a vacancy in the office of chairman, the vice-chairman shall act for and have all the powers of the chairman. ^{Appointment of vice-chairman}

(2) In the absence or illness of the chairman and vice-chairman, the Board may appoint one of its members to act as chairman for the time being, and the member so appointed shall act for and have all the powers of the chairman.

(3) All acts which lawfully might have been done by the chairman, when done by the vice-chairman or by a chairman appointed for the time being shall be conclusively deemed to have been lawfully done, and it shall not be necessary to prove that any of the causes mentioned in subsection 1 for the vice-chairman acting or that any of the causes mentioned in subsection 2 for the appointment of a chairman for the time being in fact existed.

11. Unless and until otherwise provided by the Board five members thereof shall be necessary to constitute a quorum. ^{Quorum}

12. Notwithstanding any vacancy in the Board, as long as there are at least six members thereof it shall be competent for the Board to exercise all or any of its powers. ^{Six members may exercise powers}

13. If a member of the Board, after his appointment, ceases to be a resident of the province, or otherwise becomes incapable of acting as a member of the Board, he shall *ipso facto* vacate his office, and a declaration of the existence of such vacancy entered upon the minutes of the board and confirmation of such declaration by the Lieutenant Governor in Council shall be conclusive evidence thereof.

14. In the case of a vacancy in the Board caused by resignation or otherwise which shall happen before the term of office for which a member has been appointed has expired, the vacancy shall forthwith be filled by the appointment by the Lieutenant Governor in Council of a successor to the member who has died, or resigned, or otherwise ceased to be a member, who shall hold office for the remainder of the latter's term of office. ^{Filling vacancies}

15. The Board, together with the Minister, shall prepare the scheme of practical and scientific work to be done by students ^{Duties of board}

attending each and every school, shall prescribe the courses of study, appoint examiners, and shall in addition be an advisory board to aid the Minister in all agricultural educational work.

GENERAL.

Regulations

16. The Minister with the Board shall make all necessary regulations for the organization, classification, government and conduct of said schools.

Cost of
establishing
and
maintaining

17. The cost of erecting and furnishing suitable buildings, and of establishing, maintaining and conducting said schools shall be paid out of the general revenues of the province and such funds as may be available for agricultural education.

18. Every student attending the full course prescribed by the Board and satisfactorily complying with the requirements of the practical course as well as successfully passing the required written examinations shall be entitled to a diploma.

1913
(FIRST SESSION)

CHAPTER 12.

An Act respecting Co-Operative Associations.

(Assented to March 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Co-operative Associations* Short title Act."

2. "Registrar" shall mean the Registrar of Joint Stock Companies for the Province of Alberta;

"Association" shall mean any association incorporated under this Act.

3. The registrar shall have and exercise the powers by this Act granted to such registrar, and shall receive all fees payable to him; and shall have all the powers given him and perform all the duties prescribed by this Act with reference to any association. Power of registrar of joint stock companies

4. Any seven or more persons who desire to associate themselves together as an incorporated association under this Act, for the purpose of carrying on any labour, or fulfilling the requirements of any contract or undertaking by or on behalf of labourers, or for the purpose of conducting and carrying on any co-operative store or business, whether wholesale or retail, may, in the presence of a witness, sign in duplicate and cause to be filed in the office of the registrar a memorandum of association in writing (to which shall be attached an affidavit verifying the signatures) in the form mentioned in schedule A to this Act, or to the same effect, together with a copy of the rules or by-laws agreed upon for the regulation, government and management of the association, signed by such persons respectively. Procedure for the incorporation of an association under this Act

(2) The signatures to the rules or by-laws shall be verified by the affidavit of a subscribing witness thereto. Verification of signatures

(3) The said rules or by-laws shall contain provisions in respect of the following matters:

- (a) Mode of convening general and special meetings, and of altering rules or by-laws;
- (b) Provisions for the audit of accounts;
- (c) Power and mode of withdrawal of members, and provisions for the claims of executors or administrators of members;
- (d) Mode of application of profits;

(e) Appointment of trustees, in number three, five or seven, whose duties shall be to conduct and manage all the business of the association and who shall appoint a chairman and secretary, and, if they deem it advisable a manager or managers and other officers whose respective duties they shall define and whose remuneration they shall fix; filling any vacancy that from any cause may occur on the trustee board.

(4) It shall be the duty of the registrar to carefully peruse the said rules and by-laws and, if considered workable, to receive and file the same and the memorandum of association, otherwise to return them to the subscribers.

Corporate
body when
formed

(5) Upon the filing of the memorandum of association and rules, or by-laws as aforesaid, and payment of the proper fees, the subscribers to the said memorandum of association shall become a body corporate by the name therein described, having perpetual succession and a common seal, with power to sue and be sued, plead and be impleaded, in all courts in the province, and to hold such lands as are required for the carrying on of the business of the association.

Evidence of
incorporation

(6) The registrar shall endorse upon the duplicate memorandum of association, and upon a duplicate of the rules or by-laws, certificates of the originals having been filed in his office, with the date of filing; and every such endorsement shall be *prima facie* evidence of the facts stated therein, and of the incorporation of the association.

Publication
of memor-
andum of
association

(7) The registrar shall cause the memorandum of association mentioned in schedule A to this Act to be advertised for four weeks, at the expense of the association, in *The Alberta Gazette*, and shall at the time of filing receive the charges provided for such advertising in schedule E to this Act.

Rules and
by-laws;
repeal,
amendment,
etc., of

(8) All rules or by-laws of the association may be repealed, altered or amended by other rules or by-laws passed at any meeting of the association specially called for that purpose, or at any annual meeting when at least thirty days' notice of such intention to repeal, alter, or amend such by-laws or rules has been given; provided that no new rule or by-law or amended rule or by-law, shall have any force or effect until a copy thereof, proved by the affidavit of the chairman or secretary of the board of trustees to be a true copy, of the rule or by-law, or rules or by-laws, passed by the association at a meeting specially called for the purpose of considering the same, has been received and after perusal has been found workable and has been filed by the registrar.

Proviso

Difference
of name
from existing
associations

5. No association shall be registered under a name identical with that by which any other existing association has been registered, or so nearly resembling such name as to be likely to deceive the members or the public, and the word "Limited" shall be the last word in the name of any association registered under this Act.

"Limited"
last word

Head
office, etc.

6. Any memorandum of association so to be filed may designate any one or more places where the business is to be carried on, but shall designate where the head office or principal place of business of the association shall be.

7. A member of an association incorporated under this Act may have shares therein to an amount mentioned in any by-law of the association, but no member shall have more than one vote.

Number of
shares to
be held by
a member

8. The rules or by-laws of every association under this Act shall bind the association and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in such rules or by-laws a covenant on the part of himself, his heirs, executors and administrators, to conform to such rules or by-laws subject to the provisions of this Act.

How rules
bind members

(a) All moneys payable by a member to an association under this Act shall be a debt due from such member to the association, and shall be recoverable as such in the District Court of the district in which the head office of the association is situate, or in that of the district in which such member resides, at the option of the association.

Dues by a
member

Recovery of

(b) Every association under this Act shall have a lien on the shares of any member for any debt due to it by him, and may set-off any sum credited to the member thereon in or towards payment of such debt.

Lien of shares

SHARES AND CALLS.

9. The capital of every association under this Act shall be in shares of such denomination as may be mentioned in such rules or by-laws.

Denomination
of shares

10. The shares may be payable by instalments, not exceeding twenty per cent. at such times and in such manner as may be mentioned in the rules or by-laws; but no member shall be entitled to draw more than his proportion of interest on the paid-up portion of his shares, and shares shall not be transferable unless the rules provide for their transfer. Members may from time to time withdraw upon such terms as may be specified in the rules or by-laws; and the association may repurchase shares held by any member.

Shares, how
purchased, etc.

Withdrawal

11. The liability of the shareholders shall be limited, that is to say: No shareholder in any association under this Act shall be in any manner liable for or charged with the payment of any debt or demand due by the association beyond the amount remaining uncalled and unpaid of the face value of his share or shares subscribed for; and any shareholder having fully paid up the amount of his said share or shares shall be absolved from all further liability.

Liability
of shares

12. All elections shall be by ballot, and each member shall be entitled to one vote only.

Elections

13. In case it happens at any time that an election of trustees is not made on the day designated in the rules or by-laws of the association when it ought to have been made, the association shall not for that reason be dissolved, but an election may be held on any other day in such manner as may be provided for in the rules or by-laws, or at a general meeting of the members

Elections
not made
on proper day

to be specially called for that purpose, due notice being given of such election as in the rules provided for calling a general meeting; and all acts of trustees, until their successors are appointed, shall be valid and binding.

DUTIES AND OBLIGATIONS OF ASSOCIATIONS.

Duties and obligations

14. With respect to the duties and obligations of associations under this Act, the following provisions shall have effect:

(1) Every association shall—

Head office

(a) Have a head office to which all communications and notices may be addressed, and at which all process may be served, and send to the registrar notice of the situation of such office, and of every change therein;

Association name

(b) Paint or affix, and keep painted or affixed, its name on the outside of every office or place in which the business of the association is carried on, in a conspicuous place, in letters easily legible; and have its name engraven in legible characters on its seal; and have its name mentioned in legible characters in all notices, advertisements, and other official publications of the association, and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods purporting to be signed by or on behalf of such association, and in all bills of parcels, invoices, receipts, and letters of credit of the association;

Accounts, audit of

(c) At the close of every year submit its accounts for audit to two or more persons appointed as the rules or by-laws of the association provide, who shall have access to all the books and accounts of the association, and shall examine the general statement of the receipts and expenditures, funds and effects of the association, and verify the same with the accounts and vouchers relating thereto, and shall either sign the same, as found by them to be correct, duly vouched, and in accordance with law, or specially report to the association in what respect they found any entry or account incorrect, unvouched, or not in accordance with law;

Annual return

(d) In the month of January in every year send to the registrar a general statement (to be called the annual return) of the receipts and expenditure funds and effects of the association as audited, which shall show separately the expenditure in respect of the several objects of the association, and shall be made out to and inclusive of the thirty-first day of December then last past, and shall state the name, address and calling or profession of each such auditor, and the manner in which, and the authority under which, he is appointed, and together therewith shall send a copy of the auditor's report;

Inspection of books by members

(e) Allow any member or person having an interest in the funds of the association to inspect the books and the names of the members at all reasonable times, at the head office of the association, or at any place where the same are kept, subject to such regulations as to

the time and manner of such inspection as may be made from time to time by the general meetings of the association, except that no such member or person, unless he be an officer of the association, or be specially authorized by a resolution thereof, shall have the right to inspect a loan or deposit account of any other member without the written consent of such member;

- (f) Supply gratuitously to every member or person interested in the funds of the association on his application, a copy of the last annual return of the association for the time being; Annual returns to be supplied free

- (g) Keep a copy of the last balance sheet for the time being, together with the report of the auditors, always hung up in a conspicuous place in the head office of the association. Balance sheet and auditor report to be posted conspicuously

(2) It shall be an offence against this Act if any association under this Act— What constitutes offences

- (a) Fails to give any notice, send any return or document, or do, or allow to be done, any act or thing which the association is by this Act required to give, send, do or allow to be done;
- (b) Wilfully neglects or refuses to do any act, or to furnish any information required for the purposes of this Act by the registrar, or other person authorized under this Act, or does any act or thing forbidden by this Act;
- (c) Makes a return, or wilfully furnishes information, in any respect false or insufficient.

(3) Every offence by an association under this Act shall be deemed to have been also committed by every officer of the same bound by the rules thereof to fulfil the duties whereof such offence is a breach, or if there be no such officer, then by each of the trustees, unless such member or trustee be proved to have been ignorant of or to have attempted to prevent the commission of such offence; and every act and default under this Act constituting an offence, if continued, shall constitute a new offence in every week during which the same continues. Offences, by whom committed

(4) Every return and other document required for the purposes of this Act shall be made in such form, and shall contain such particulars, as the registrar requires and prescribes. Return, form of

(5) All documents by this section required to be sent to the registrar shall be deposited with the rules or by-laws of the association to which the same respectively relate, and shall be registered or recorded by the registrar, with such observations thereon, if any, as he shall see fit. Registrar's duties on receipt of documents

PRIVILEGES.

15. A member of an association not being under the age of sixteen years, may, by writing under his hand, delivered at or sent to the head office of the association, nominate any person not being an officer or servant of the association, unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew or niece of the nominator, to whom his shares in the association shall be transferred at his decease, and may from time to time revoke or vary such nomination by writing

Book to
be kept

under his hand, similarly delivered or sent, but not otherwise; and every such association shall keep a book wherein the names of all persons so nominated shall be regularly entered, and the shares comprised in any such nomination shall be transferable to the nominee, although the rules of the association declare its shares to be generally not transferable; and on receiving satisfactory proof of the death of a nominator the trustee shall either transfer the shares in manner directed on such nomination, or pay to every person entitled thereunder the full value of his interest at their option.

To whom
shares
belong in
case of death

(2) If any member of an association entitled at his death to an interest in the association dies intestate, and without having made any nomination under this Act which remains unrevoked at his death, such interest shall be transferable or payable without letters of administration to or among the persons who appear to a majority of the trustees upon such evidence as they may deem satisfactory, to be entitled by law to receive the same.

Transfer
to such
person valid

(3) Whenever the trustees, after the decease of any member, make any payment or transfer to any person who at the time appears to them to be entitled under this section, the payment or transfer shall be valid and effectual against any demand made upon the committee or the association by any other person.

Lunacy of
member

(4) Where a member or person claiming through a member of an association is insane, and no committee of his estate or trustee of his property has been duly appointed, the association may, when it is proved to the satisfaction of the trustees that it is just and expedient so to do, pay the amount of the shares, loans and deposits belonging to such member or person to any person whom they shall judge proper to receive the same on his behalf, whose receipt shall be a good discharge to the association for any sum so paid.

Minor may
be a member

(5) A person under the age of twenty-one, but above the age of sixteen, may be a member of an association unless provision be made in the rules or by-laws thereof to the contrary, and may, subject to the rules or by-laws of the association, enjoy all the rights of a member (except as herein provided), and execute all instruments, and give all acquittances necessary to be executed or given under the rules or by-laws, but shall not be a member of the committee, trustee, manager, or treasurer of the association.

Promissory
notes, etc.,
of association

(6) A promissory note or bill of exchange shall be deemed to have been made, accepted, or endorsed on behalf of any association under this Act, if made, accepted or endorsed in the name of any such association, or by or on behalf or account of the association by any person acting under authority of the association.

Register
prima facie
evidence of
particulars
therein

(7) Any register or list of members or shares kept by any association under this Act shall be *prima facie* evidence in any court of any of the following particulars entered therein:

(a) The names, addresses and occupations of the members, the number of shares held by them respectively, the numbers of such shares, if they are distinguished by numbers, and the amount paid, or considered as paid, on any such share;

- (b) The date at which the name of any person, company or association was entered in such register or list as a member;
- (c) The date at which any such person, company, association ceased to be a member.

CONTRACTS.

16. Contracts on behalf of any association under this Act Contracts may be made, varied or discharged as follows:

- (a) Any contract which, if made between private persons, By special to would be by law required to be in writing and under seal, may be made on behalf of the association in writing under the common seal of the association, and may in the same manner be varied or discharged;
- (b) Any contract which, if made between private persons, Simple contracts where writing requisite by statute would be by law required to be in writing signed by the persons to be charged therewith, may be made on behalf of the association in writing by any person acting under the authority of the association, and may in the same manner be varied or discharged;
- (c) Any contract which, if made between private persons, Simple contracts would be by law valid, though made by parol only, and not reduced into writing, may be made on behalf of the association by a writing not under seal, signed by any person acting under the authority of the association;
- (d) A signature purporting to be made by a person holding any office in the association shall *prima facie* be taken to be the signature of a person holding, at the time when the signature was made, the office so stated. Signature of officer

And all contracts which may be or have been made, varied or discharged according to the provisions herein contained, shall, so far as concerns the form thereof, be effectual in law and binding on the association, and all other parties thereto.

PROPERTY AND FUNDS.

17. With respect to the property and funds of associations Associations may under this Act, the following provisions shall have effect:

- (1) An association may (if its rules do not direct otherwise) Hold and deal with land hold, purchase, or take on lease in its own name any land and may sell, exchange, mortgage, lease or build upon the same, and no purchaser, assignee, mortgagee or tenant shall be bound to inquire as to the authority for any such sale, exchange, mortgage or lease by the association, and the receipt of the association shall be a discharge for all moneys arising from or in connection with such sale, exchange, mortgage or lease.
- (2) The rules may provide for the advancing of money by Advance to member on real security the association to members on the security of real or personal property.
- (3) An association may, if its rules so allow, invest any part of its capital in the shares or on the security of any other association or corporation registered under this Act, or under any Act relating to Joint Stock Companies for the time being in force in this province, or incorporated by Statute; provided Invest in shares

that no such investment be made in the shares of any association or corporation other than one with limited liability; and an association so investing may make such investment in its registered name.

Other corporations may acquire its shares

(4) Any other body corporate, may, if its regulations permit, hold shares by its corporate name in an association under this Act.

Apply its profits lawfully

(5) The profits of the association may be applied to any lawful purpose.

Satisfaction of mortgage and other debts

(6) A receipt under the hand of the chairman of the board of trustees of any association under this Act, countersigned by the secretary, in the form contained in schedule B to this Act, or in any form specified by the rules of the association, or any schedule thereto, for all moneys secured to such association by any mortgage or other assurance, endorsed upon or annexed to such mortgage or other assurance, shall, when registered in the proper office, vacate the same, and shall vest the property therein described in the person entitled to the equity of redemption of the same without any conveyance, and a registrar under *The Land Titles Act* shall accept such receipt, provided the same is in the form required by *The Land Titles Act* as satisfactory proof of the satisfaction of the mortgage or other assurance.

Security to be given by officials

18. Every person appointed to an office touching the receipt, management or expenditure of money, or with the receipt of goods, wares or merchandise for the purposes of an association under this Act, shall, before entering upon the duties of his office, give such security, as is deemed sufficient by the trustees, which security may be varied in amount or renewed from time to time, and may be in the form contained in schedule C to this Act.

Disputes to be settled by arbitration

19. Every dispute between any member or members of an association under this Act, or any person claiming through or under a member, or under the rules or by-laws of the association, and the trustees, treasurer, or other officer thereof, shall be decided by arbitration in manner directed by the rules or by-laws of the association, and the decision so made shall be binding and conclusive on all parties without appeal, and application for the enforcement thereof may be made to the District Court.

Special resolutions

20. With respect to special resolutions by associations under this Act, and to the proceedings which may be taken by virtue thereof, the following provisions shall have effect:

Special resolution defined

(1) A special resolution is one which is passed by a majority of not less than three-fourths of such members of an association for the time being entitled under the rules to vote, as may be present in person or by proxy (where the rules allow proxies) at any general meeting, of which notice specifying the intention to propose such resolution has been duly given according to the rules, and which resolution is confirmed by a majority of such members, for the time being entitled under the rules to vote, as may be present in person or by proxy at a subsequent general meeting, of which notice has been duly given, held

not less than fourteen days and not more than one month from the day of the meeting at which such resolution was first passed.

(2) An association may, by special resolution, change its name, but no such change shall affect any right or obligation of the association, or of any member thereof, and any pending legal proceedings may be continued by or against the association, notwithstanding its new name. Change of name

(3) Any two or more associations under this Act may, by special resolution of both or all such associations, become amalgamated together as one association, with or without any dissolution or division of the funds of such association, or either of them; and any association may, by special resolution, transfer its engagements to any other registered association, which may undertake to fulfil the engagements of such association. Amalgamation

(4) No amalgamation or transfer of engagements shall prejudice any right of a creditor of any association which is a party thereto:

(5) A copy of every special resolution for any of the purposes mentioned in this section, signed by the chairman of the meeting and countersigned by the secretary, shall be sent to the registrar and registered, and until such copy is so registered such special resolution shall not take effect. Registration of special resolutions

21. An association under this Act may be dissolved by consent of three-fourths of the members, testified by their signatures to an instrument of dissolution. Dissolution of association

(a) The instrument of dissolution shall set forth the liabilities and assets of the association in detail, the number of members, and the nature of their interests in the association respectively, the claims of creditors (if any), and the provisions to be made for their payment, and the intended appropriation or division of the funds and property of the association, unless the same be stated in the instrument of dissolution to be left to the award of the registrar.

(b) A statutory declaration shall be made by the chairman and the secretary of the board of trustees that the provisions of this Act have been complied with, and shall be sent to the registrar with the instrument of dissolution.

(c) The registrar shall cause a notice of the dissolution to be advertised, at the expense of the association, in *The Alberta Gazette*, and in some newspaper circulating in the district in which the head office of the association is situated.

22. In case of a dissolution of an association under this Act, the association shall nevertheless be considered as subsisting and be in all respects subject to the provisions of this Act, so long and so far as any matters relating to the same remain unsettled, to the intent that the association may do all things necessary to the winding up of the concerns thereof; and may sue and be sued under the provisions of this Act, in respect of all such unsettled matters. After dissolution association subsists as far as necessary to wind up

23. Any one guilty of an offence under this Act shall, on the complaint of the association or any member thereof, or of Offences

Penalty

the registrar, be liable, on summary conviction before any two justices of the peace, or any magistrate having the powers of two justices under *The Summary Convictions Act*, to a penalty not exceeding one hundred dollars and costs.

Application
of fees by
registrar

24. All fees which may be received by the registrar under or by virtue of this Act shall be paid by him into and form part of the general revenue fund.

25. The registrar shall, upon the written request of any person and the payment of the fees mentioned in schedule E, prepare a set of rules or by-laws for the regulation, government and management of any proposed association under this Act, provided the said person outline to the registrar the aims, object and business of said proposed association.

SCHEDULE A.

(Section 3:)

FORM OF MEMORANDUM OF ASSOCIATION.

We (*insert the name, addition and address of each subscriber*), do hereby express our desire to form an association under the provisions of *The Co-Operative Associations Act*. The corporate name of the association is to be (*insert name of association*), Limited, and the objects for which the association is to be formed are (*insert objects for which association is formed*); the number of shares is to be unlimited; and the capital is to consist of shares of (*insert amount of shares*) each, or of such other amount as shall from time to time be determined by the rules or by-laws of the association. The number of the trustees who shall manage the concerns of the association shall be (*insert the number of trustees*), and the names of such trustees, until their successors are appointed under the rules or by-laws of the association to be formed, are (*insert names*), and the name of the place where the head office is situate is (*insert name*).

Dated the day of
Witness: }
..... } (Signatures.)

SCHEDULE B.

RECEIPT OF ACKNOWLEDGMENT OF PAYMENT OF MORTGAGE OR OTHER ENCUMBRANCE.

Schedule B

I, *C.D.*, the mortgagee (encumbrancee or assignee, as the case may be) do acknowledge to have received all the moneys due or to become due under the within mortgage (or encumbrance, as the case may be) and that the same is wholly discharged.

In witness whereof I have hereunto subscribed my name this day of 19.....
Signed by the above named *C.D.*, in the }
presence of } (Signature.)

SCHEDULE C.

FORM OF BOND.

Know all men by these presents, that we, *A.B.*, of one of the officers of the Association, Limited,

established at....., in the district of....., in the Province of Alberta, and *C.D.*, of....., (as surety on behalf of the said *A.B.*) are jointly and severally held and firmly bound to the said association in the sum of.....to be paid to the said association, or their attorney, for which payment well and truly made, to be made, we jointly and severally bind ourselves, and each of us, and each of our heirs, executors and administrators firmly by these presents.

Sealed with our seals.

Dated the.....day of.....

Whereas, the above bounden *A.B.*, has been duly appointed to the office of.....of the.....association, established as aforesaid, and he together with the above bounden *C.D.*, as his surety, have entered into the above written bond, subject to the condition hereinafter contained: Now, therefore, the condition of the above written bond is such that the said *A.B.* do render a just and true account of all moneys received and paid by him on account of the said association, at such times as the rules or by-laws thereof appoint, and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all property (including books and papers) belonging to the said association in his hands or custody to such person or persons as the said association or the trustees thereof appoint, according to the rules or by-laws of the said association, then the above written bond shall be void, otherwise it shall remain in full force.

In witness whereof we have hereunto set our hands and seals this.....day of.....191...

Signed, sealed and delivered in the
presence of.....

SCHEDULE D.

ACKNOWLEDGMENT OF REGISTRY OF THE ASSOCIATION.

The.....Association, Limited, having filed a duly executed Memorandum of Association and the rules (or by-laws) of the association, is registered under *The Co-Operative Associations Act*, this.....day of.....
(STAMP OF REGISTRAR.)

SCHEDULE E.

TABLE OF FEES TO BE PAID TO THE REGISTRAR UNDER THIS ACT.

Filing application for registration.....	\$10.00
Registrar filing by-laws or rules, or amended by-laws or rules.....	2.50
Each search.....	.25
Every cancellation of registry.....	2.50
Filing any document.....	.25
Every certificate.....	1.25
Filing change of name.....	2.50
Advertising Certificate, Schedule A, in Gazette, four weeks.....	10.00
Preparing a set of Rules or By-laws for any proposed association.....	10.00

1913
(FIRST SESSION)

CHAPTER 13.

An Act to incorporate the Alberta Farmers Co-operative Elevator Company, Limited.

(*Assented to March 25, 1913.*)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Interpretation **1.** In this Act the term "local" unless the context otherwise requires means the body of shareholders who support an elevator organized and established at any point in the province, and the term "local board of management" means the board of managers elected at any meeting of such "local," according to the provisions of this Act.

INCORPORATION, POWERS, ETC.

Incorporation **2.** William J. Tregillus, of Calgary; Edward John Fream, of Calgary; Joseph Quinsey, of Noble; William S. Henry, of Bow Island; Rice Sheppard, of Edmonton; Edwin Carswell, of Red Deer, and Percy P. Woodbridge, of Calgary, all in the Province of Alberta, and all such other persons as shall become shareholders of the company shall be and are hereby declared to be a body corporate and politic, under the name and style of "*The Alberta Farmers Co-operative Elevator Company, Limited.*"

Capital stock **3.** The capital stock of the company shall consist of such amount as shall from time to time be fixed by the Lieutenant Governor in Council and shall be divided into shares of sixty dollars each, to be held only by agriculturists.

Holdings **4.** No person shall hold more than twenty shares and no assignment or transfer of any share shall be valid unless approved by the directors.

Powers **5.** The company shall have power to construct, acquire by purchase, agreement, lease or otherwise, maintain and operate grain elevators and (subject to the provisions of the next succeeding section of this Act) to sell or lease to any company, or to make an agreement with any company to control and operate grain elevators in the Province of Alberta (provided that no such last mentioned sale, lease or agreement shall be valid or binding until it has first been submitted to all "locals" and has been approved by a majority of the total shareholders of the company actually voting upon such proposed sale, lease or agreement); to buy and sell grain and generally to do all things necessary

to the production, storing and marketing of grain; to act as commission or general agents for any person, company or corporation in the purchase, sale, storing and delivery of any and all goods and chattels required by farmers; to acquire by purchase, agreement, lease, or otherwise, and to hold, any interest in real or personal property requisite for the purposes of the company, and to dispose of the same or any portion thereof.

6. Every sale, lease, agreement, or other arrangement made with any company for the control or operation of the said elevators under authority of the next preceding section, shall be subject to the approval of the Lieutenant Governor in Council, and its covenants, provisions and requirements shall be non-enforceable until such approval has been expressed.

7. The head office of the company shall be at Calgary, in the Province of Alberta, or at any such other place in Alberta as the directors may from time to time determine by by-law. Head office

8. Until directors are elected as hereinafter provided the aforesaid William J. Tregillus, Edward John Fream, Joseph Quinsey, William S. Henry, Rice Sheppard, Edwin Carswell, and Percy P. Woodbridge, shall be the provisional directors; and they or a majority of them are hereby empowered to take subscriptions for shares and to receive payments thereon, to organize locals, to make all necessary payments for costs and expenses incident to the sale of shares, and the organization of locals and generally to perform all acts and things and pay all expenses necessary for the organization of the company. Provisional directors

9. The company shall not commence business until twenty locals have been organized as hereinafter provided. Commencement of business

10. As soon as the conditions for the commencement of business as set out in the next preceding section have been complied with the provisional directors shall call the first general meeting of the company at the head office of the company by giving twenty days' notice of the holding of such meeting to each delegate, elected as hereinafter provided for; such notice to be given by registered letter; and at the said meeting a board of directors comprised of nine duly qualified shareholders shall be elected who shall be paid such remuneration as the meeting may determine. First general meeting

11. At the first general meeting of the company three directors shall be elected for three years, three for two years, and three for one year, and thereafter a sufficient number of directors shall be elected each year to fill the vacancies occurring on the board; and all directors elected annually subsequent to the first general meeting shall hold office for three years; provided that the shareholders at any general meeting may by a resolution which shall receive three-fifths majority of the delegates voting thereon remove any director or all directors before the expiration of his or their period of office and may subsequently by an ordinary resolution appoint another shareholder or shareholders in his or their stead. The shareholder or shareholders so appointed shall Directors

hold office during such time only as the director or directors in whose place he or they (is, or) are appointed would have held the same if the said director or directors had not been removed.

Officers

12. Immediately after each annual meeting the directors shall meet and from among their number or otherwise they shall appoint a president, vice-president, secretary and treasurer, and shall by by-law describe and set out the duties of the various officers, fix the amount and mode of payment of the salaries of all officers, and, in the absence of by-laws passed by the shareholders may make by-laws for the management and control of the property of the company, and the general conduct of its business. Any such by-laws, except those assigning the duties and fixing the salaries of officers shall be confirmed, amended or repealed at the annual meeting of shareholders succeeding their adoption by the directors. The remuneration of the directors *qua* directors shall be fixed by the shareholders in annual meeting assembled.

Persons
entitled
to vote

13. The persons entitled to vote at the first general meeting and at all subsequent general meetings of the company shall be the shareholders who have been elected delegates by the locals for that purpose under the provisions of section 20 hereof; each delegate shall have one vote; and excepting as provided in this section no shareholder shall vote at any meeting of the company on account of any shares held by him or otherwise and all acts done by a majority of the delegates at any meeting of the company shall be deemed to be the acts of the company.

Powers of
directors

14. The business of the company shall be managed by the directors who may affix the seal of the company and make all contracts on behalf of the company and may exercise all such powers of the company as are not by this Act required to be exercised by the company in general meeting or as are not conferred by by-law of the company upon the local boards of management and any other powers not contrary to the provisions of this Act which may be conferred upon them by by-law of the company.

LOCALS.

Locals

15. When farmers owning or cultivating an annual grain crop acreage of at least 6,000 acres tributary to any shipping point, prior to the first day of April in any year, in writing, request the directors to establish (whether by erection, purchase, lease or other mode of acquisition) an elevator (with sufficient store-room attached) at said shipping point and subscribe for an amount of stock at least equal to the value of the proposed elevator said elevator shall be established by the company in time to receive that year's grain and other farm produce and the company shall in that and succeeding years operate said elevator.

Capacity

16. The directors shall not, without the consent of the Lieutenant Governor in Council, establish any local unless it

appear to their satisfaction that the amount of shares held by the supporters of the proposed local is at least equal to the value of the proposed elevator and that the aggregate annual crop acreage of the said shareholders represents a proportion of not less than two thousand acres for each ten thousand bushels of elevator capacity asked for. 1915, c. 2, s. 22.

17. At any time during the course of the construction or during the time negotiations to acquire an elevator, or at any time subsequent thereto any person so desiring may subscribe for stock and become a member of a "local," provided he pays for his stock on the same terms as the original shareholders of the said "local." 1915, c. 2, s. 22.

18. At any time subsequent to the erection or acquisition of an elevator, any member or members of the "local" supporting said elevator may withdraw from said "local" and become members of any other "local," already organized or in course of organization; provided always that in so withdrawing the "local" from which they desire to withdraw is not so weakened as to fail to comply with the requirements of sections 15 and 16.

19. Twenty per cent. of the stock subscribed by shareholders desiring an elevator at any shipping point must be paid prior to the erection or acquisition by the company of such elevator, and the remaining eighty per cent. within four years from the date of subscription. A written notice by the secretary of the company sent by registered mail to any such shareholder shall be sufficient demand from such shareholder of payment of the amount mentioned in said notice, and barring error, the said amount shall be due and payable to the company on the day mentioned in said written notice; provided that thirty days' notice must be given and not more than twenty per cent. of the amount of stock subscribed by any shareholder shall be collectable in one call; provided however, that the company may agree with any shareholder to accept payment of the said eighty per cent. of the amount of stock subscribed by him or any percentage thereof by way of a charge of an extra one cent per bushel over and above the regular charge for handling his grain. Payment of stock

20. Upon the erection or acquisition of an elevator at any shipping point and annually thereafter upon a date fixed by-law of the company a meeting of the shareholders supporting the said elevator shall be held at which all matters pertaining to the management, operation and maintenance of the elevator shall be reviewed and discussed and a local board of management consisting of five duly qualified shareholders supporting the said elevator shall be elected to hold office until their successors are appointed; and at the said meeting there shall be elected from among the shareholders supporting the said elevator, three delegates or such other number of delegates as the company may by by-law determine to attend the general meetings of the company. Local boards and delegates

Voting

21. At all meetings of the shareholders supporting any particular elevator, each shareholder shall have one vote.

Power of
local board

22. The local board of management shall have such powers and duties as shall be determined from time to time by by-law of the company or as may be delegated to them by the directors.

FINANCES.

Books and
accounts

23. It shall be the duty of the directors to make provision for keeping an accurate account of all the business and financial transactions of the company and for that purpose all books, records, forms and methods of book-keeping and accounting shall be submitted to the provincial auditor for approval before being adopted.

Moneys
to be
deposited
in chartered
bank

24. All moneys received by the company or by any of its officers on behalf of the company shall be deposited forthwith in such chartered bank or banks as the directors may determine and shall be paid out, under regulations to be framed by the directors, by cheques signed by the president or treasurer of the company, and such other person as by by-law the directors may designate or appoint.

Security
of officers
of the
company

25. The treasurer of the company and each of its officers, employees, or servants, whose duty it is to receive or handle moneys on behalf of the company shall before entering upon the duties of his office furnish a bond or covenant of some guarantee company to be named by the directors, to secure the due accounting by him for all moneys that come into his hand, which bond or guarantee in each case shall be in such form and for such amount as the directors may decide and the directors shall pay the premiums for such guarantee bonds out of the funds of the company.

Audit

26. The directors of the company shall appoint a resident auditor whose duty it shall be to examine all accounts and vouchers, countersign all cheques and thoroughly inspect and audit all books and accounts of the company and verify all reports and financial statements made by the directors to the shareholders, such audit to be continuously carried on during the year, and such auditor shall make such statements, recommendations and reports to the directors and to the annual meeting of shareholders as may be required. 1915, c. 2, s. 22.

Officer
falsifying
books or
accounts

27. Any officer, servant or employee of the company who knowingly or fraudulently signs any false statement or report or makes any false or misleading entry of any kind in any book of the company or in any way in the transaction of the company's business shall *ipso facto* be disqualified forever from holding any office or position of trust in connection with the company's affairs. 1914, c. 2, s. 21.

Auditor
making
false report
or signing
false
statement

28. Any auditor who knowingly or fraudulently certifies any false, misleading or improper statement, account or balance of accounts or report as correct or who through any wilful or

fraudulent neglect fails to detect any false or misleading entry, statement or report, which a careful audit should have detected, or who knowingly or fraudulently signs any false or misleading certificate, statement or report shall *ipso facto* become disqualified from further acting as auditor for the company, and the directors in the name of the company, within reasonable time after the discovery of any such misconduct on the part of any auditor, shall be entitled to sue and obtain judgment against the said auditor for any and all sums of money paid said auditor by the company at any time, and to their right to bring such action no Statute of Limitations shall apply. 1914, c. 2, s. 21.

29. The financial year of the company shall end on the thirty-^{Financial} first day of July in each year, on which date the books and ^{year} accounts of the company shall be closed and balanced. 1915, c. 2, s. 22.

30. The Provincial Auditor, or his nominee or nominees, ^{Audit by} may at any time and shall at the close of the financial year ^{Provincial} audit all accounts and inspect all records and books of the ^{Auditor} company and examine all reports and returns for the said financial year and report the result to the Provincial Treasurer; and the costs and expenses of such audits, inspections and reports shall be paid by the company to the Provincial Treasurer. 1915, c. 2, s. 22.

PROVINCIAL AID.

31. The Lieutenant Governor in Council is hereby authorized ^{Provincial} from time to time and on such terms and conditions as may ^{loan} be agreed on with the company to loan to the company for the purpose of aiding in the acquisition, erection, extension or remodelling of any elevator or elevators a sum not to exceed eighty-five per cent. of the estimated cost of the said elevator or elevators or of such extension or remodelling.

32. The amount of every such loan shall bear interest at ^{Repayment} the rate of five per cent. until the thirty-first day of August ^{and security} in the year following the date of such loan, when such interest shall be payable, and the amount of the said loan with interest at the said rate shall be repaid to the Provincial Treasurer in twenty equal annual instalments of principal and interest, the first of such instalments to be due and payable on the thirty-first day of August in the second year next following the granting of the loan, and each of the remaining nineteen instalments of principal and interest on the thirty-first day of August of each of the succeeding nineteen years. All sums of money so loaned to the company together with interest at the said rate shall be secured by a first mortgage or mortgages upon the said elevator or elevators or upon all elevators belonging to the company and upon any and every interest in all real and personal property which the company may have or hold in connection with the said elevator or elevators.

33. Notwithstanding anything contained in *The Land Titles Act* or *The Bills of Sale Ordinance*, or any other Act or Ordinance ^{Form of} in force in this province, any chattel mortgage or mortgage ^{mortgage} and registration

affecting real estate or any other instrument affecting either real or personal property given by the company to the province or to the Provincial Treasurer, representing the province, by way of security for any advance or loan made the company by the province under the authority of this Act, shall be legal and binding on the company, without any affidavit of *bona fides* and without any detailed description of the chattel property charged thereby, and it shall be sufficiently registered and filed, if filed in the office of the registrar of joint stock companies and such mortgage or other instrument shall have priority from the date of such filing over all executions, transfers, mortgages or other encumbrances or charges of dispositions of any sort affecting the same property or any part thereof and shall from the date of the filing thereof as aforesaid be and remain in full force and effect without renewal until discharged or satisfied.

Forms and
terms of
securities

34. The form and terms of the mortgage and of any other evidences of debt which may be given by the company on account of any such said loan, the times and manners in which the sums loaned shall be paid to the company and the disposition of all moneys loaned shall be such as the Lieutenant Governor in Council may approve.

Provincial
aid for
organization
purposes

35. The Lieutenant Governor in Council shall have power to pay to the provisional directors of the company any sum not exceeding the amount granted by the Legislature for that purpose which may be required to cover the expenses incurred in the organization of the company and of locals; any sums so paid to the provisional directors shall be expended in such manner as may be approved by the Lieutenant Governor in Council and all such expenditures shall be subject to the audit of the Provincial Auditor.

DISPOSITION OF REVENUE.

Order of
disposition
of revenue

36. The annual revenue of the company, including all moneys received as a result of the operation of the elevators under its control or management, shall be distributed as follows:

(a) The annual payment, if any, due to the province shall be first paid;

(b) (*Repealed*—1915, c. 2, s. 22.)

(c) If sufficient funds remain, a dividend not exceeding 8% shall be declared and paid to the shareholders;

(d) If funds still remain, the directors shall set aside such sum as they deem meet as a reserve fund;

(e) If any balance remains it shall be divided among the shareholders and patrons of the company, on a *pro rata* basis according to the business furnished to the company by each, and as to such *pro rata* distribution the decision of the directors shall be final and there shall be no appeal therefrom and no action or suit in court shall be maintained with reference to the same.

GENERAL.

37. The Lieutenant Governor in Council shall have power to make all provisions not inconsistent with this Act which may be required for the better carrying out of the purposes of the Act.

BY-LAWS.

38. The company may from time to time make such by-laws ^{Power to make by-laws} not contrary to law or inconsistent with this Act for the administration, management and control of the property and business of the company and for the conduct in all particulars of the affairs of the company as are considered necessary or expedient for carrying out the provisions of this Act according to the true intent and meaning thereof.

39. The company shall have power to borrow money by ^{Power to borrow money} debenture or otherwise for the purpose of carrying out the objects of its incorporation and to hypothecate, pledge and mortgage its real and personal property and to sign bills, notes, contracts and other evidences of or securities for money borrowed or to be borrowed by the company for the purposes aforesaid.
(2) The board of directors may exercise these powers when duly authorized thereto by by-laws of the company.

SPECIAL GENERAL MEETING.

40. Any ten of the locals comprising the company may, by ^{Special general meeting} resolution passed by a majority in each case of the shareholders supporting any local elevator who actually attend and vote at such meeting called for that purpose by the respective boards of management, request the president to call a special general meeting of the shareholders of the company to discuss the affairs of the company and it shall be the duty of the president to call such special general meeting at the City of Calgary or some other convenient place and to cause all chairmen and secretaries of the local boards of management to be notified of the time and place of such meeting by registered mail at least twenty days in advance of such meeting. Each local shall be entitled to representation at such special general meeting on the same basis as is provided for in the by-laws of the company governing the annual meeting. 1915, c. 2, s. 22.

41. (*Repealed*—1915, c. 2, s. 22 (8).)

1913
(FIRST SESSION)

CHAPTER 14.

**An Act for the Protection of Persons Employed in the
Construction of Buildings and Excavations.**

(Assented to March 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Alberta, enacts
as follows:

- | | |
|---|---|
| Short title | 1. This Act may be cited as " <i>The Building Trades Protection Act.</i> " |
| Interpretation | 2. In this Act— |
| Building | (a) "Building" shall include any structure roofed in or intended to be roofed in, and capable when completed of affording protection and shelter; |
| Excavation | (b) "Excavation" shall mean any trench in the ground at a depth of more than four feet; |
| Inspector | (c) "Inspector" shall mean an inspector appointed by a municipality or by the Lieutenant Governor in Council for the purpose of enforcing the provisions of this Act; |
| Municipality | (d) "Municipality" means and includes any incorporated municipality, whether a city, town, village or rural municipality. |
| Appointment of inspectors | 3. Every municipality shall appoint an inspector or inspectors to enforce this Act within the limits of the municipality.
(2) The Lieutenant Governor in Council may appoint an inspector or inspectors to enforce this Act in territory outside of municipalities. |
| Inspector may order compliance with provisions of Act | 4. Where any inspector appointed under this Act finds that any provision of this Act is being violated in the case of any building or excavation he may give such orders in writing as may, in his opinion, be required to secure due compliance with such provision, and upon any such order being made and until the same is carried out the work upon that part of the building or excavation in which the default occurs shall be suspended. |
| Work to cease until orders obeyed | (2) Every person to whom the order of the inspector is directed who disobeys or knowingly permits any person under his direction and control to disobey any such order or to carry on work in violation of subsection (1) hereof before the order is complied with shall be guilty of an offence and liable on summary conviction to payment of a penalty not exceeding \$50 for every day upon which such default occurs. |
| Penalty for disobedience to order | |
| Unsafe apparatus not to be used | 5. In the erection, alteration, repair, improvement or demolition of any building, no scaffolding, hoists, stays, ladders, flooring |

or other mechanical and temporary contrivances shall be used which are unsafe, unsuitable or improper, or which are not so constructed, protected, placed and operated as to afford reasonable safety from accident to persons employed or engaged upon the building or excavation.

6. The following regulations shall be complied with in the erection, alteration, repair, improvement or demolition of every building: Regulations with regard to floors of scaffolds

(1) The floors of all scaffolding suspended from overhead shall be at least two and one-half feet wide and the floors of all standing scaffolding shall be at least four feet wide; all such scaffolding shall, unless the same is dispensed with by written authority of the inspector, have a railing or guard not less than three nor more than four feet from the flooring on the outside of the scaffolding for the protection of persons working thereon.

(2) Where scaffolding or staging is "swung" or suspended from an overhead support it shall be so secured as to prevent its swaying to and fro. Swing scaffolds

(3) Where poles are used in scaffolding the poles shall be securely lashed at every point of contact, and where square timber is used in scaffolding, the same shall be securely spiked or bolted at every point of contact. Poles

(4) No lumber or timber shall be hoisted in a single sling. Hoisting lumber

(5) Where hoists are used for raising materials for use in buildings, the shafts or openings shall be protected at each floor by a barrier not less than three feet nor more than four feet from the level of the floor, and the barrier shall be placed not less than two feet from the edge of the shaft or opening in which the hoist is operated; provided that upon the level or floor in actual use by such hoist such barrier shall not be placed across the openings used for entrance or exits to or from such hoists. Openings for hoists

(6) All ladders shall extend at least four feet above any scaffold, staging or floor. Ladders

7. Where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are of fire proof material the flooring or filling in shall be completed as the building or excavation progresses to not less than within three stories below that on which the iron work is being erected. Flooring to be completed to certain extent as building progresses

(2) Where the plans and specifications do not require filling in between the beams of floors with fireproof material or brick work, the contractor for the carpenter work, in the course of construction, shall lay the under flooring of the building on each storey as the building or excavation progresses to not less than within two storeys below the one to which the building has been erected. Underflooring to be completed to certain extent as building progresses

(3) Where double floors are not to be used, such contractor shall keep planked over, with planks properly secured, the floor two storeys below where the work is being performed. Floors to be planked over

Iron floor
beams to be
planked
over on
which
structural
work is
being erected

(4) If the floor beams are of iron or steel, the contractor for the iron or steel work of a building or excavation in course of construction, or the owner of such a building or excavation shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work and for the raising or lowering of materials to be used in the construction of such building and such spaces as may be designated by the plans and specifications for stairways and elevator shafts.

Regulations
as to skeleton
frame
buildings

8. In the case of what are known as skeleton steel frame buildings, compliance with the following regulations shall be sufficient, and it shall not be necessary to comply with the requirements of section 7:

Each floor
to be planked
as the
framework
reaches floor
above

(1) As soon as the steel frame of a building is erected to the first column splice above the first floor level, a flooring of two-inch planking shall be laid over floor beams on the floor immediately below the first column splice, making a temporary floor over that part of the area of the building or excavation inside columns at that level, except in places where it is necessary to have openings for the passage of material for building above that point. When erection has reached a point level with the next column splice the planking used as a temporary floor at first column splice shall be removed and placed as before at second splice, and so on to the top of the building.

Double
planking
under
derricks

(2) A double flooring of two inch planking shall be laid down immediately under any derrick for a sufficient space about the derrick to protect workmen on the floors below that on which the derrick is working and to hold with safety the materials hoisted by the derrick.

Riveters'
staging to
be safe and
temporary
floor
provided

(3) Riveters' staging shall be so constructed as to secure the reasonable safety of the riveters and a temporary floor must be provided on the girders and floor beams immediately below the portion of the floor upon which the riveters are working, sufficient for the protection of workmen engaged below that floor.

Steel work
may be done
in advance
of permanent
floors

(4) The steel work may be carried on in advance of the construction of permanent floors.

Regulations
in cities and
towns
having no
by-laws

9. In cities and towns the following regulations shall be complied with in erecting, altering or repairing any building, provided such city or town has not by by-law made regulations applicable to itself regarding such matters:

Covered
passage to
be erected
over
sidewalk

(1) When the work is located on the line of any street or within three feet of the inside line of the sidewalk of any street, before any of the work above the sidewalk or footway is commenced, there shall be erected over the sidewalk or footway of the street a covered passageway or independent structure not less than eight feet high at the lowest side above the level of the sidewalk or footway and of sufficient strength to protect the public using the sidewalk or footway.

Barrier to
be erected
on inside
line of
sidewalk

(2) If a building or excavation is to be erected or made within seven feet of the inside line of the sidewalk on any street, a

strongly constructed close-boarded fence or barricade, not less than six feet high, shall be erected along the inside line of such sidewalk.

(3) No person shall place any stone, brick, lumber, or any building material, fence, barricade or temporary sidewalk so as to obstruct the free passage of water in the drains, gutters or watercourses; and the roofs of all covered ways shall be kept clear of any material whatever. Drains, etc., not to be obstructed and roofs of covered ways to be kept clear

(4) All sewers, ditches, drains or any other excavation of whatever nature shall be properly shored up, so as to prevent the caving in of the ground, after a depth of four feet has been excavated from the ground level. All excavations to be shored up

10. The provisions of this Act shall be read and applied as supplementary to the by-laws of every municipality in this province, where any such exist, but where no by-law has been passed dealing with the matters covered by this Act then the provisions herein shall apply. Act to be supplementary to municipal by-laws

11. Sections 6, 7 and 8 of this Act shall not apply to any building not more than two storeys in height or to any excavation less than four feet deep, nor to any farm building or excavation, nor to any work being done upon a building or excavation by the owner or occupant thereof in person. Limit of application of certain sections

12. Nothing in this Act contained shall in any way decrease or lessen the liability or obligations of any person or corporation under *The Workmen's Compensation Act, 1908*. Act not to affect liability under Workmen's Compensation Act

1913
(FIRST SESSION)

CHAPTER 15.

An Act respecting Agreements for the Sale of Farm Machinery.

(Assented to March 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

- | | |
|-------------------------|---|
| Short title | 1. This Act may be cited as " <i>The Farm Machinery Act</i> ." |
| Interpretation | 2. "Farm machinery" in this Act shall mean any and every implement and machine purchased by a farmer for use upon any farm, and without in any way restricting this meaning shall include all engines, threshing machines, steam plows, binders and mowers. |
| Unreasonable provisions | 3. No covenant, proviso, stipulation or condition in any agreement (whether under seal, verbal or written) shall be binding upon the purchaser of farm machinery, provided a court or judge shall decide or declare that such covenant, proviso, stipulation or condition is, under all the facts and circumstances of the case unreasonable. |
| | 4. Notwithstanding anything contained in any agreement to the contrary, the vendor shall be responsible for all representations made by his agent or agents during the negotiations of sale, and any and all persons conducting negotiations on behalf of vendor which terminate in an actual sale shall be deemed to be agents of the vendor. |
| | 5. Notwithstanding anything in any agreement contained to the contrary all farm machinery shall be sold as warranted and guaranteed to be made of good material, to be properly constructed both as to design and workmanship, to be in good working order, to satisfactorily perform the work for which it is intended, to be free from latent and other defects and to be in every way so designed and constructed as with proper care and use to ensure reasonable durability. |
| | 6. This Act shall not apply to second-hand machinery. |

1913

(FIRST SESSION)

CHAPTER 16.

An Act respecting Insurance Companies.

(Repealed—1915, c. 8, s. 102.)

NOTE.—All actions and proceedings already instituted under the repealed Act may be completed under the provisions thereof. (*See* 1915, c. 8, s. 102.)

1913
(FIRST SESSION)

CHAPTER 17.

An Act for the Protection of Wages to Threshing Machine Employees.

(Assented to March 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

Short title 1. This Act may be cited as "*The Thresher Employees Lien Act.*"

INTERPRETATION.

Interpretation 2. In this Act unless the context otherwise requires—
Employer

1. "Employer" includes any person or body of persons corporate or unincorporate with whom an employee as defined by this Act has entered into a contract of service whether such employer is the owner, lessee or bailee of the threshing machine on or about which such contract of service is performed;

2. "Employee" includes every person who is engaged in an employment of threshing on or about any threshing machine and means any person who has entered into or works under a contract of service with an employer as defined by this Act whether the contract is expressed or implied, is oral or in writing;

Court Judge 3. "Court" means the District Court of the judicial district within which the threshing or some part thereof has been performed; and "judge" means the judge of the said court.

Priority of claim for wages against earnings of machines 3. Any employee who works for wages on or about any threshing machine shall to the extent of his wages have a claim against the earnings of his employer in the hands of a third person, for whom such threshing has been done by his employer and in the course of which such employee was engaged, provided he notifies the said third person, while such threshing is being done that he has such claim; and such claim shall have priority over all assignments, attachments or garnishments of such earnings whensoever made and over every claim or right of every kind and description whatsoever accruing either before or after the passing of this Act.

Third person exempt from actions or proceedings (2) No such third person shall be liable to any action or proceeding by such employer or his assigns in respect of such earnings while retained by him pursuant to the provisions of this Act.

Conditions of claim 4. Such claim shall cease to exist unless such employee shall serve a claim and proceed as provided by this Act; provided

however that within ten days after such threshing has been completed any employer and one or more employees may sign an agreement showing the amount due as wages by the employer to such employee or employees, and any third person for whom threshing has been done by said employer may sign said agreement and undertake to pay to the employee or employees the amount so shown to be due. The execution of such agreement and undertaking shall be a release to the employer of such indebtedness to his employee or employees and a discharge *pro tanto* of the indebtedness of the said third person to the employer; and each employee may collect from said third person such sum as is so shown to be due him. The said amounts so due shall have priority over all assignments, attachments and garnishments whensoever made and over every claim or right of every kind or description. The said agreement and undertaking may be in the form A in the schedule to this Act.

5. Such claim shall be in writing and shall set out—

Contents
of claim

- (a) The full name and post office address of such employee together with the post office address and full name of such employer where practicable with as much certainty and particularity as possible;
- (b) A short description of the work or service done together with a statement of the length of time worked by such employee;
- (c) The sum of money claimed as due.

(2) Such claim may be in the form B in the schedule to this Act or to the like effect and shall be verified by the affidavit of such employee.

Form of
claim

(3) Such claim shall within ten days after such threshing is completed be served on such third person and on such employer.

Service of
claim

6. Provided any employee notifies the third person for whom such threshing shall have been done as provided in section 3 and the employee's claim has not been paid, the said third person shall hold in his possession until the expiration of the said ten days the sum of money earned by such employer:

Liability
of third
person to
employee
for wages

Provided, however, that in case a claim under this Act has within the said ten days been served upon him such third person shall continue to hold in his possession such sum of money until the expiration of thirty days from the completion of such threshing or for such further time as may be provided by this Act:

Proviso

Provided further that such third person shall if he fail to hold in his possession such sum of money, be to the extent thereof liable for the wages due to every employee in respect of such threshing.

Proviso

7. Subject to the provisions of section 8 of this Act such third person shall after the expiration of said thirty days pay to such employee upon demand the amount of his claim unless within the said thirty days such employer shall have served upon such third person a notice of contest as herein provided.

Payment
out to
employee
by third
person

(2) All payments lawfully made under this Act by such third person shall be deemed to be payment *pro tanto* to such employer.

Payments
by third
person
protected

Proceedings
against
third
person on
default of
payment

(3) In case such third person neglects or refuses to pay such wages upon demand as provided by this section he may be proceeded against by such employee under *The Ordinance respecting Masters and Servants*, the provisions whereof are hereby declared to be applicable to any proceedings taken by such employee under this section.

Proceedings
in case
total claims
exceed
amount of
earnings

8. In case the total sum of money in respect of which such claims have been served on such third person exceeds the total sum of money earned by such employer in threshing for such third person such third person shall after the expiration of ten days and not later than thirty days after such threshing was completed pay into the District Court such total sum of money which payment shall be a valid discharge to him against such employer to the amount paid and shall at the same time deliver or transmit by registered post letter to the clerk of such court all claims, notices of contest and all other documents served upon him relating to such sum of money.

Procedure
in case
claim is
contested by
employer

9. Wherever the provisions of the next preceding section shall not apply to the circumstances of the case such third person shall in case within the said thirty days he shall have been served with a notice of contest by such employer in respect of any claim as herein provided forthwith but not later than forty days after such threshing was completed and subject to the provisions of the next preceding section pay into the District Court the sum of money claimed in such claim which payment shall be a valid discharge to him against such employer to the amount paid and he shall at the same time deliver or transmit by registered post letter to the clerk of such court the claim, notice of contest and all other documents served upon him relating to the said sum of money:

Proviso

Provided, however, that in case the provisions of the next preceding section shall apply to the circumstances of the case such third person shall forthwith after being served with any notice of contest of such employer but not later than forty days after such threshing was completed deliver or transmit by registered post letter to the said clerk all claims, notices of contest and all other documents served upon him and relating to the said sum of money.

Costs of
person
paying into
court

10. The person so paying money into court under the provisions of sections 8 or 9 of this Act shall be entitled to deduct therefrom his necessary disbursements and costs (not exceeding five dollars) excepting when such sum of money is larger than the amount of the claim of the employee in which case the person so paying money into court may deduct such costs and disbursements out of the balance in his hands but if such balance is not sufficient to cover such disbursements and costs he may deduct the difference from the amount to be paid into court.

Form of
notice of
contest

11. The notice of contest provided by this Act shall be in form C in the schedule to this Act or to the like effect, shall contain a brief statement of the nature or grounds of contest and the post office address of such employer and be verified by the affidavit of the employer.

12. The clerk of the court shall from time to time—

- (a) Forthwith after receipt by him of money paid into court pursuant to section 8 or 9 hereof notify by registered post letter such employer and all employees claiming in respect of such money; and
- (b) Forthwith after receipt by him of notice of contest under this Act notify by registered post letter every employee in respect to whose claim such notice of contest is given:

Proceedings
by clerk of
the court
upon receipt
of claims,
name, etc.

Provided that if an employer shall in his notice of contest omit to state his post office address the notice to him shall be mailed to the address stated by the employee in his claim as required by section 5 hereof.

13. Where a sum of money is paid into court under this Act any employee claiming under this Act (or in case there are more than one claiming then any one of such employees) may sue out an interpleader summons to determine, adjust and finally settle the rights of the several claims and parties to such sum of money paid into court and in such proceedings between employees and employers the former shall be plaintiff and the latter defendant; and in the event of such interpleader summons not being sued out by any such employee within twenty days after such sum of money has been paid into court such sum of money shall be paid out only in pursuance of an order of the judge of the said court to such employer or his assigns or to such other person as may be entitled thereto.

Procedure
in District
Court for
settlement
of claims

(2) Such interpleader summons shall be in form D in the schedule to this Act and any number of claimants may be joined therein.

Form of
interpleader
summons

14. Upon the return of such interpleader summons the judge shall summarily determine the rights of the said several parties to the moneys so paid into court and may make such order in the premises and as to costs as shall to him appear just.

Adjudication
by the judge

15. Where a sum of money has been paid into court by such third person and an order has been made for the payment of the sum out of court to such employees or any of them and such sum of money is not sufficient to satisfy in full the claims of such employees then in such case such sum of money shall be distributed rateably among such employees subject to any order of the court as to costs:

Rateable
distribution
in case of
deficiency
of funds

Provided however that any sum of money so paid into court as to which no order of payment out to such employees or any of them shall have been made shall be paid out as provided by section 13 of this Act.

Proviso

16. Every employer shall upon demand at any time of any employee or of any third person for whom threshing has been done forthwith furnish to such employee or to such third person a written statement setting forth the length of time for which such employee is entitled at the time of such demand to be paid for such work and setting forth the sum of money earned by such employee for such work up to that time which written statement shall be signed by such employer or by his foreman

Statement
of wages
to be furnished
by employer
to employee
on demand

Penalty

Proviso,
Contravention
of section
by foreman
or agent
of employer

Clerk's fees

Effect of
conviction
against
member of
partnership

or agent acting for him; and if such employer or his foreman or agent refuses or neglects to furnish such written statement on demand he shall be liable upon summary conviction before a justice of the peace to a penalty of five dollars (\$5) for every day during which such statement is withheld together with the costs of the prosecution:

Provided however that any contravention of this section by the foreman or agent of any such employer shall be presumed to be the act of such employer but such presumption may be rebutted by proof of explicit instructions to the contrary by such employer and any such foreman or agent contravening the provisions of this section and disobeying such explicit instructions shall be liable to the penalty provided by this section.

17. The following fees shall be paid to the clerk of the District Court in respect of the following matters herein provided for and may be by him retained as to clauses 1 and 2 of this section out of the money paid into court pursuant to section 8 or 9 of this Act:

- (1) Filing claim, twenty-five cents;
- (2) Filing notice of contest, twenty-five cents;
- (3) Interpleader summons, fifty cents.

18. For the purposes of the consequences of any order or conviction by a justice of the peace under this Act an order or conviction against a member of a partnership shall be deemed to be an order or conviction against each member of such partnership.

SCHEDULE.

FORM A.

(Section 4.)

The undersigned employer and employee (or employees) hereby agree that the amount set opposite the name of the employee (or the name of each employee) is due and payable by the employer to the employee (or to each employee respectively).

.....
(Name of Employer.)
(Name of Employee)\$
(Name of Employee)\$
(Name of Employee)\$
I, the undersigned, agree to pay each of the above employees in
.....days from this date, the amount of money set opposite his name.
Dated this.....day of.....191...

(Signature of man for whom threshing was done.)

FORM B.

(Section 5.)

THRESHER EMPLOYEE'S CLAIM.

To.....
of.....
in the Province of Alberta:

Sir,—Take notice that I, the undersigned, claim from you payment of the sum of dollars as the balance of my wages for work done for *(insert here name in full and post office address of employer)* in threshing your grain; that I was employed at such work days *(or weeks or as the case may be)* at dollars per day *(or as the case may be)* commencing the day of 19....., and ending on the day of 19.....

My post office address is.....

Dated at in the Province of Alberta, this day of 19.....

(Name in full of Employee.)

I, *(name in full of employee)* of in the Province of Alberta, labourer, make oath and say that I am the above named employee, that I have executed the above claim, that the statements contained therein are true both in substance and in fact and that there is still due to me for wages as above set forth the sum of dollars.

(Name of Employee.)

Sworn before me at }
in the Province of Alberta this }
day of 191...

(A Commissioner for Oaths, N.P., or J.P., in and for the Province of Alberta, as the case may be.)

FORM C.

(Section 11.)

NOTICE OF CONTEST.

To of
in the Province of Alberta.

Sir,—Take notice that the undersigned contests the claim served upon you by on or about the day of 19....., on the following grounds:

(Here state briefly the grounds of contest in such manner that the particular nature thereof may be readily ascertained.)

And further take notice that I require you to pay all money the subject of such claim into court as required by law.

My post office address is.....

Dated at in the Province of Alberta this day of 19.....

(Name in full of Employer.)

I, *(name of employer in full)*, of in the Province of Alberta, thresher, make oath and say:

That I am the employer above mentioned, that I have duly executed the above notice of contest and that the statements therein contained are true both in substance and in fact.

(Name of Employer.)

Sworn before me at }
in the Province of Alberta this }
day of 191...

(A Commissioner for Oaths, N.P. or J.P., in and for the Province of Alberta, as the case may be.)

FORM D.

(Section 13, 2.)

INTERPLEADER SUMMONS.

CANADA

Province of Alberta.

In the District Court of the Judicial District of.....
Between:

.....of.....

Plaintiff,

and

.....of.....

Defendant.

To the above named defendant:

You are hereby summoned to appear at the sittings of this court to be holden at.....on the.....
day of.....19....., at.....o'clock in the
.....noon when the claim of yourself and the plaintiff to the money paid into court by.....under the provisions of
The Thresher Employees' Lien Act will be adjudicated upon and such order may thereupon be made as the court may deem fit.

Dated at.....in the said Province of Alberta this
.....day of.....19.....

By the Court,

.....
(Clerk of the Court.)

1913
(FIRST SESSION)

CHAPTER 18.

An Act relating to Town Planning.

(Assented to March 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. A town planning scheme may be prepared in accordance with the provisions of this Act with respect to any land which is in course of development or appears likely to be used for building purposes, with the general object of securing suitable provision for traffic, proper sanitary conditions, amenity and convenience in connection with the laying out of streets and use of the land and of any neighbouring lands for building or other purposes. Preparation and approval of town planning scheme

(2) The term "local authority" as hereinafter used in this Act, shall mean any city or town council of any regularly incorporated city or town or the municipal council of any municipality in the Province of Alberta, and the term "Minister" as hereinafter used in this Act shall mean the Minister of Municipal Affairs of the Province of Alberta. Local authority and Minister defined

(3) Any local authority may make application to the Minister for authority to put into effect a town planning scheme or any part thereof and the Minister may authorize a local authority to prepare and put into effect a town planning scheme or any part thereof with reference to any land within or in the neighbourhood of the area over which it has municipal control, if the local authority satisfies the Minister that there is a *prima facie* case for making such a scheme, or the Minister may authorize a local authority to adopt with or without modifications any such scheme or any part thereof, proposed by all or any owners of land, with respect to which the local authority might itself have been authorized to prepare a town planning scheme. Application for authority

(4) The expression "land likely to be used for building purposes" shall include any land likely to be used as or for the purpose of providing open spaces, roads, streets, parks, pleasure or recreation grounds, or for the purpose of executing any work upon or under the land incidental to a town planning scheme, whether in the nature of a building work or not, and the decision of the Minister as to whether land is likely to be used for building purposes shall be final. Land defined

(5) The Minister may authorize the inclusion in a town planning scheme of any land already built upon or any land not likely to be used for building purposes, if it be made to appear to him that such land is so situated that it ought to be included, and What land included in scheme

may provide for the demolition or alteration of any building thereon so far as may be necessary for carrying the scheme into effect.

Approval
of Minister
necessary

(6) A town planning scheme prepared or adopted by a local authority shall not have effect unless approved by written order of the Minister, and the Minister may refuse to approve any such scheme except with such modifications and subject to such conditions as he may think fit to impose; provided that before a town planning scheme can be approved of by the Minister, notice of intention to make application for its approval must have been published in *The Alberta Gazette* of the province for at least one month, and if within twenty-one days from the publication of such notice, any interested person or authority files notice of objection in the prescribed manner, such objection shall be heard and adjudicated upon by the Minister or by such board or boards of commission as may be appointed by the Minister for the purposes of hearing and adjudicating upon all or any matters of dispute, which may arise between a local authority or a responsible authority, and other interested parties.

Objections
sustained

In the event of objections being sustained by the Minister or such board of commission as he may appoint for the purpose of adjudicating upon them, no proceedings shall be taken toward carrying part of the scheme so objected to into effect, but this without prejudice to the preparation of a new or modified scheme covering the same area or any part thereof.

Scheme may
be varied or
revoked

(7) A town planning scheme may be varied or revoked by a subsequent scheme prepared or adopted by a local authority or a responsible authority, and approved by the Minister in accordance with the provisions of this Act.

Effect of
approval
of scheme

(8) A town planning scheme when approved by the Minister shall have effect as if it were specially enacted in this Act.

Definition of
responsible
authority

2. The authority to be responsible for the carrying out of a town planning scheme, herein referred to as the "responsible authority" may be either—

- (a) The local authority applying for approval of the scheme;
- (b) Where land included in a town planning scheme is in the area of more than one local authority or in the area of a local authority by whom the scheme was not prepared, the responsible authority may be one of those authorities, or for certain purposes of the scheme it may be one local authority and for certain purposes another local authority; or
- (c) A body constituted specially for the purpose of the scheme as hereinafter provided and all necessary provision may be made by the scheme for constituting such body and giving it the necessary powers and duties.

Town planning
commission

(2) For the purpose of preparing a town planning scheme and carrying the same into effect, a local authority, or the local authorities, where more than one is interested, may singly or jointly appoint a commission of not less than five, or more than ten members, whose names shall be submitted to the Minister for approval, and upon the approval by the Minister of the scheme, and of the constitution of the commission named therein, the commission thus appointed shall become the responsible

authority for carrying the scheme into effect, to whom shall be delegated all the powers conferred by, and for the purposes of this Act upon the local authority.

Vacancies as they occur may be filled from time to time by the local authority or authorities.

Vacancies

(3) The Lieutenant Governor in Council may prescribe a set of general provisions (or separate sets of general provisions adapted for areas of any special character) for carrying out of the general objects of town planning schemes and in particular for dealing with matters set out in the schedule A attached to this Act and the general provisions or separate sets of general provisions appropriate to the area for which the town planning scheme is made, shall take effect as part of every scheme, except so far as special provision is made by the scheme as approved by the Minister, for the variation or the exclusion of any of these general provisions and shall have the same effect as if specially enacted by the Legislature.

Contents of
town planning
scheme

(4) Special provisions shall in addition be inserted in every town planning scheme defining in such manner as may be prescribed by regulations under this Act, the area to which the scheme is to apply and the authority which is to be responsible for enforcing the observance of the scheme, and for the execution of any works which under the scheme, or under the Act, are to be executed by the responsible authority, and providing for any matters which may be dealt with by general provisions, and otherwise supplementing, excluding or varying the general provisions and also dealing with any special circumstances or contingencies for which adequate provision is not made in the general provisions, and for suspending, so far as necessary, for the proper carrying out of the scheme, any enactments, by-laws, regulations or other provisions made by a local authority, which are in operation in the area included in the scheme, and such special provision shall have the same effect as if specially enacted by the Legislature.

Area and
variation of
general
provisions

(5) Special provision may also be made in every town planning scheme defining the manner in which the funds necessary for the carrying it into effect are to be procured. If no such provision is made in the scheme, funds may be procured in any way authorized for local improvement or general purposes by any public or private Act in force in the city, town or municipality affected by the scheme; provided always that no assessment upon any city, town or municipality shall be authorized by any town planning scheme, without the consent of the local authority in control of the area affected being first had and obtained; nor shall any power to borrow money either by issue of bonds or otherwise, be conferred upon a responsible authority, by any town planning scheme, except with the approval of the local authority having municipal control of the area affected.

Funds
how raised

(6) The Minister may certify any by-laws for contracting debts or incurring liabilities, and for this purpose, sections 190 to 193 inclusive of *The Town Act, mutatis mutandis*, are hereby incorporated into and shall be deemed to be part of this Act.

Minister may
certify by-laws

(7) Any expenses incurred in preparing any town planning scheme may be paid out of current revenue by the local authority or out of the proceeds of any special tax levied for

Preliminary
expenses
may be
paid out of
current
revenue

part purposes to an amount not to exceed \$20,000 in the case of cities, \$10,000 in the case of towns and \$5,000 in the case of other municipalities.

Procedure
regulations

3. The Minister may make regulations for regulating generally the procedure to be adopted with respect to applications for authority to prepare or adopt a town planning scheme, the preparation of the scheme, obtaining the approval of the Minister to a scheme so prepared or adopted, and any inquiries, reports, notices or other matters required in connection with the preparation or adoption or the approval of the scheme, or preliminary thereto, or in relation to the carrying out of the scheme, or enforcing the observance of the provisions thereof.

Contents of
procedure
regulations

(2) Provision shall be made by these regulations—

Co-operation

(a) For securing co-operation on the part of the local authority with the owners and other persons interested in the land proposed to be included in the scheme at every stage of the proceedings by means of conferences and such other means as may be provided by the regulations;

Notices

(b) For securing that notice of the proposal to prepare or adopt the scheme should be given at the earliest stage possible to any parties interested in the land; and

General

(c) For dealing with the other matters mentioned in schedule B to this Act.

Power to
enforce
scheme

4. The responsible authority may at any time, after giving such notice as may be provided by a town planning scheme and in accordance with the provisions of this Act—

Remove
buildings

(a) Remove, pull down or alter any building or other work in the area included in the scheme which is such as to contravene the scheme or in the erection or carrying out of which any provision of this scheme has not been complied with; or

Execute
work for
others

(b) Execute any work which it is the duty of any person to execute under the scheme in any case where it appears to any authority that delay in execution of the work would prejudice the efficient operation of the scheme.

Expenses, how
recovered

(2) Any expenses incurred by the responsible authority under this section may be recovered from the persons in default in such manner and subject to such conditions as may be provided by the scheme.

Questions
arising—how
determined

(3) If any question arises whether any building or work contravenes a town planning scheme, or whether any provision of a town planning scheme is not complied with in the erection or carrying out of any such building or work, that question shall be referred to the Minister or such board as he may appoint for the purpose, and, unless the parties otherwise agree, shall be determined by the Minister or such board as arbitrators and their decision shall be final and conclusive and binding on all persons.

Compensation

5. Any person whose property is injuriously affected by the making of a town planning scheme, shall if he makes a claim,

for the purpose within the time (if any) limited by the scheme not being less than three months after the date when notice of the approval of the scheme is published in the manner prescribed by regulations made by the Minister, be entitled to obtain compensation in respect thereof from the responsible authority.

(2) A person shall not be entitled to obtain compensation under this section on account of any building erected on or contract made or other thing done with respect to land included in a scheme or after the time at which the application for authority to prepare the scheme has been made, or after such other time as the Minister may fix, for the purpose:

Time for certain compensation

Provided this provision shall not apply as respects any work done before the date of the approval of the scheme for the purpose of finishing a building begun or of carrying out a contract entered into before the application was made.

(3) Where by the making of any town planning scheme, any property is increased in value, the responsible authority if they make a claim for the purpose within the time (if any) limited by the scheme (not being less than three months after the date when notice of the approval of the scheme is first published in the manner prescribed by regulations made by the Minister) shall be entitled to recover from any person whose property is so increased in value, one-half of the amount of that increase.

Responsible authority entitled to one-half of increased value

(4) Any question as to whether any property is injuriously affected or increased in value within the meaning of this section, and as to the amount and manner of payment (whether by instalments or otherwise) or the sum which is to be paid as compensation under this section or which the responsible authority is entitled to recover from a person whose property is increased in value, shall be determined by arbitration under the provisions of *The Arbitration Act*, unless the parties agree on some other method of determination.

Arbitration

(5) Any amount due under this section as compensation to a person aggrieved from the responsible authority, or to a responsible authority from a person whose property is increased in value, may be recovered summarily as a civil debt.

Recovery of compensation

(6) Where a town planning scheme is revoked by an order of the Minister under this Act, any person who has incurred expenditure for the purpose of complying with the scheme shall be entitled to compensation in accordance with this section in so far as any such expenditure is rendered abortive by reason of the revocation of the scheme.

Compensation where scheme is revoked

6. Where property is alleged to be injuriously affected, by reason of any provisions contained in a town planning scheme, no compensation shall be paid in respect thereof, if or so far as the provisions are such as would have been enforced if they had been contained in by-laws made by the local authority.

Exclusion of compensation in certain cases

(2) Property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a town planning scheme, which with a view to securing the amenity of the area included in the scheme or any part thereof, prescribe the space about buildings or limit the number of buildings to be erected or prescribe the height or character of buildings or the amount of vacant land to be taken for parks or open spaces

Spaces about buildings and area for parks

not to exceed five (5) per cent. of the total area and which the Minister having regard to the nature and situation of the land affected by the provisions consider reasonable for the purpose.

No double
compensation

(3) Where a person is entitled to compensation under this part of this Act in respect to any matter or thing, and he would be entitled to compensation in respect to the same matter or thing, under any other enactment, he shall not be entitled to compensation in respect of that matter or thing both under this Act and under that other enactment, and shall not be entitled to any greater compensation under this Act than he would be entitled to under the other enactment.

May purchase
or expropriate

7. The responsible authority may, for the purpose of a town planning scheme, purchase any land comprised in such scheme by agreement or compulsorily in the same manner and subject to the same provisions as a local authority may purchase under any local or public Act.

Increased
value not
paid for

(2) In the event of compulsory purchase, the arbitrators or arbitrator in deciding on values or compensation shall take into consideration the increased value that will be given to any lands by the scheme, or by reason of the enforcement thereof and shall set off such increased value that will attach to such lands or grounds against the inconveniences.

Powers of
Minister in
case of default
of local
authority to
make or
execute a
town planning
scheme

8. If the Minister is satisfied on any representation, after holding a public inquiry, that a local authority—

- (a) Have failed to take the requisite steps for having a satisfactory town planning scheme prepared and approved in a case where a town planning scheme ought to be made;
- (b) Having failed to adopt a scheme proposed by owners of any land in a case where a town planning scheme ought to be adopted; or
- (c) Have unreasonably refused to consent to any modification or conditions imposed by the Minister, the Minister may, as the case requires, order the local authority to prepare and submit for his approval, such a town planning scheme, or to adopt the scheme or to consent to the modifications or conditions so inserted:

Provided that, where the representation is that a local authority have failed to adopt a scheme, the Minister, in lieu of making such an order as aforesaid, may approve the proposed scheme subject to such modifications or conditions, if any, as he thinks fit, and thereupon the scheme shall have effect as if it had been adopted by the local authority and approved by the Minister.

Minister
may enforce
observance
of scheme

(2) If the Minister is satisfied on any representation after holding an inquiry, that a responsible authority has failed to enforce effectively the observance of a scheme which has been confirmed, or any provisions thereof, or to execute any works, which under the scheme of this Act, the authority is required to execute, the Minister may order that authority to do all things necessary for enforcing the observance of the scheme or any provisions thereof effectively, or for executing any works which under the scheme or this part of this Act the authority is required to execute.

(3) Any order under this section may be enforced by mandamus. Mandamus

9. Any expenses incurred by the Minister under this Act including the payment of any board or commission shall be paid out of any funds appropriated from the general revenue fund to the Department of Municipal Affairs for that purpose. Expenses of administering Act

10. This Act may be cited as "*The Town Planning Act.*" How cited

SCHEDULE A.

MATTERS TO BE DEALT WITH BY GENERAL PROVISIONS PRESCRIBED BY THE MINISTER.

1. Streets, tramways, roads and other ways, and stopping up or diversion of existing highways.
2. Buildings, structures and erections.
3. Open spaces, private and public.
4. The preservation of objects of historical interest or natural beauty.
5. Sewerage, drainage and sewage disposal.
6. Lighting.
7. Water supply.
8. Ancillary or consequential works.
9. Extinction or variation of private rights of way and other easements.
10. Dealing with or disposal of land acquired by the responsible authority or by a local authority.
11. Power of entry and inspection.
12. Power of the responsible authority to remove, alter or demolish any obstructive work.
13. Power of the responsible authority to make agreements with owners, and of owners to make agreements with one another.
14. Power of the responsible authority or a local authority to accept any money or property for the furtherance of the objects of any town planning scheme, and provision for regulating the administration of any such money or property.
15. Application with necessary modifications and adaptations of statutory enactments.
16. Carrying out and supplementing the provisions of this Act for enforcing schemes.
17. Limitation of time for operation of scheme.
18. Co-operation of the responsible authority with the owners of land included in the scheme or other person interested by means of conference and other means.
19. Charging on the inheritance of any land the value of which is increased by the operation of a town planning scheme the sum required to be paid in respect to that increase and for that purpose applying with the necessary adaptations, the provisions of any enactments dealing with charges for improvements of land or making special provisions to govern the same.

SCHEDULE B.

1. Procedure anterior to and for the purpose of an application for authority to prepare or adopt a scheme.
 - (a) Submission of plans and estimates.
 - (b) Publication of notices.
2. Procedure during, on, and after the preparation or adoption and before the approval of the scheme.
 - (a) Submission to the Minister of the proposed scheme with plans and estimates.
 - (b) Notice of submission of proposed scheme to the Minister.
 - (c) Hearing of objections and representations by persons affected, including persons representing architectural or archaeological societies or otherwise interested in the amenity of the proposed scheme.
 - (d) Publication of notice of intention to approve scheme and the lodging of objections thereto.

3. Procedure after the approval of the scheme.
 - (a) Notice to be given of the approval of the scheme.
 - (b) Inquiries and reports as to beginning and the progress and completion of works and other action under the scheme.
4. Duty, at any stage, of the local authority to publish or deposit for inspection any scheme, or proposed scheme, and the plans relating thereto, and to give information to persons affected with reference to any such scheme or proposed scheme.
5. The details to be specified in plans, including wherever the circumstances so require, the restrictions on the number of buildings which may be erected on each acre, and the height and character of these buildings.

1913

(FIRST SESSION)

CHAPTER 19.

An Act to amend The School Ordinance, The School Assessment Ordinance and The School Grants Ordinance.

(Consolidated in various Ordinances.)

1913
(FIRST SESSION)

CHAPTER 20.

**An Act respecting the Guarantee of Certain Securities of
the Canadian Northern Western Railway Company.**

(See also 1911-12, caps. 19, 29; 1913 (2), c. 9; 1915, c. 20.)

(Assented to March 25, 1913.)

WHEREAS by chapter 19 of the Statutes of Alberta, passed in the years 1911-12, entitled "*An Act to Authorize the Guarantee of Certain Securities of the Canadian Northern Western Railway Company*" (hereinafter called the "said Act") provision was made for the guaranteeing by the Province of Alberta of securities in respect among others, of certain lines which the Canadian Northern Western Railway Company (hereinafter called the "company") was authorized to construct and for the securing of the guarantee securities by means of certain mortgages or deeds of trust;

And whereas the rate of interest on the said securities authorized to be guaranteed by the said Act was to be at the rate of four (4) per cent. per annum;

And whereas it is expedient to increase the rate of interest on the said securities from four (4) per cent. per annum to four and one-half ($4\frac{1}{2}$) per cent. per annum;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The rate of interest of the securities authorized to be guaranteed by the province under the provisions of the said Act shall be four and one-half ($4\frac{1}{2}$) per cent. per annum instead of four (4) per cent. per annum, and the said Act is amended by substituting the words "four and one-half per cent. per annum" for the words "four per cent. per annum" in the second section of the said Act; and the Lieutenant Governor in Council is hereby authorized to provide for and do all such things or otherwise as may be considered advisable for putting into effect the change of interest herein provided for.

2. All the provisions of the said Act not inconsistent with the provisions of this Act shall apply to the guarantee of the securities therein authorized, and save as by this Act amended the said Act shall be and is hereby confirmed.

1913
(FIRST SESSION)

CHAPTER 21.

**An Act for Raising Money on the Credit of the General
Revenue Fund of Alberta.**

(Assented to March 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Alberta, enacts
as follows:

1. It shall be lawful for the Lieutenant Governor in Council from time to time to authorize the Provincial Treasurer to raise by way of loan upon the credit of the province, such sum or sums of money not to exceed in the whole Five Million Dollars for all or any of the purposes following, that is to say:

- (a) For the extension of the Provincial Telephone System, Two Million Dollars;
- (b) For the carrying on of Public Works authorized by the Legislature, Three Million Dollars.

2. The aforesaid sums of money may be borrowed for any term or terms not exceeding fifty years at a rate not exceeding four and one-half per cent. per annum, and shall be raised upon the credit of the General Revenue Fund of Alberta and shall be chargeable thereon. 1913 (2nd Session), c. 3.

NOTE.—Chapters 22 to 88 inclusive are Private Acts.

1913

(SECOND SESSION)

CHAPTER 1.

An Act for Granting to His Majesty Certain Sums of Money for the Public Service of the Fiscal Years ending respectively the Thirty-first day of December, 1913, and the Thirty-first day of December, 1914.

(Assented to October 22, 1913.)

Most Gracious Sovereign:

WHEREAS it appears by Messages from His Honour George Hedley Vicars Bulvea, Lieutenant Governor of the Province of Alberta, and the Estimates accompanying the said Messages, that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Alberta not otherwise provided for during the financial periods ending respectively the thirty-first day of December, one thousand nine hundred and thirteen, and the thirty-first day of December, one thousand nine hundred and fourteen, and for other purposes relating thereto: May it therefore please Your Majesty that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, as follows:

1. This Act may be cited as "*The Appropriation Act, 1913* (2nd Session)."

2. From and out of the General Revenue Fund may be paid and applied a sum not exceeding in the whole five hundred and sixty-three thousand nine hundred and ninety-four dollars and eighty-four cents towards defraying the several charges and expenses of the Public Service from the first day of January to the thirty-first day of December, in the year of our Lord one thousand nine hundred and thirteen, not otherwise provided for and set forth in schedule A to this Act.

3. From and out of the General Revenue Fund there may be paid and applied a sum not exceeding in the whole eight million five hundred and fourteen thousand one hundred and thirty dollars and no cents towards defraying the several charges and expenses of the Public Service from the first day of January to the thirty-first day of December, in the year of our Lord one thousand nine hundred and fourteen, not otherwise provided for and set forth in schedule B to this Act.

4. The due application of all moneys expended under this Act shall be accounted for.

SCHEDULE A.

Sums granted to His Majesty by this Act for the fiscal year ending December 31, 1913, and the purposes for which they are granted.

CIVIL GOVERNMENT—		
Executive Council.....	\$5,000.00	
Treasury Department, Insurance Branch....	6,000.00	
Attorney General's Department.....	3,000.00	
Education Department.....	2,288.16	
Railways and Telephones.....	3,000.00	
		\$ 19,288.16
LEGISLATION.....		105,000.00
ADMINISTRATION OF JUSTICE.....		59,706.68
AGRICULTURE (CAPITAL).....		305,000.00
MISCELLANEOUS.....		75,000.00
		<u>\$563,994.84</u>

SCHEDULE B.

Sums granted to His Majesty by this Act for the fiscal year ending December 31, 1914, and the purposes for which they are granted.

I.		
PUBLIC DEBT.....	\$675,000.00	
II.		
CIVIL GOVERNMENT—		
Lieutenant Governor's Office.....	\$ 2,700.00	
Executive Council.....	69,340.00	
Attorney General's Department.....	42,360.00	
Provincial Secretary's Department.....	18,200.00	
Municipal Affairs Department.....	64,120.00	
Treasury Department.....	30,060.00	
Auditor's Office.....	27,840.00	
Public Works Department.....	74,960.00	
Education Department.....	50,060.00	
Agriculture Department.....	35,520.00	
Railways and Telephones Department.....	13,740.00	
Government Printer's Office.....	12,740.00	
		\$441,640.00
III.		
LEGISLATION.....	121,000.00	
IV.		
ADMINISTRATION OF JUSTICE.....	719,280.00	
V.		
PUBLIC WORKS—		
Chargeable to Income.....	578,000.00	
Chargeable to Capital.....		\$2,024,100.00
VI.		
EDUCATION.....	762,610.00	
VII.		
AGRICULTURE AND STATISTICS—		
Chargeable to Income.....	543,500.00	
Chargeable to Capital.....		326,000.00
VIII.		
HOSPITALS, CHARITIES AND PUBLIC HEALTH.....	152,000.00	

APPROPRIATION

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1913
(2nd Sess.)

IX.

TELEPHONES—

Chargeable to Income.....	\$900,000.00	
Chargeable to Capital.....		\$1,000,000.00

X.

PUBLIC INSTITUTIONS.....	226,500.00
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XI.

MISCELLANEOUS.....	44,500.00	
	<u>\$5,164,030.00</u>	<u>\$3,350,100.00</u>

1913

(SECOND SESSION)

CHAPTER 2.

An Act to amend the Statute Law.

(Consolidated in various Acts.)

1913

(SECOND SESSION)

CHAPTER 3.

An Act to amend the Statute Law.

(Consolidated in various Acts.)

1913

(SECOND SESSION)

CHAPTER 4.

An Act to Authorize the Guarantee of Certain Securities of the Grand Trunk Pacific Branch Lines Company.

(See also 1909, c. 14; 1911-12, c. 17; 1913 (2), c. 4.)

(Assented to October 22, 1913.)

WHEREAS, by chapter 15 of the Statutes of Alberta, passed in the year 1909, intituled "*An Act to authorize the Guarantee of Certain Securities of the Grand Trunk Pacific Branch Lines Company*" (hereinafter called the principal Act), provision was made for the guaranteeing by the Province of Alberta of securities to the extent of \$13,000 per mile in respect of certain lines of railway mentioned and described in the schedule to the said Act and including therein a line from a point on the western division of the Grand Trunk Pacific Railway between the 111th and 113th degrees of longitude to Calgary which the Grand Trunk Pacific Branch Lines Company (hereinafter called the company) was authorized to construct, and for the securing of the guaranteed securities by means of certain mortgages or deeds of trust;

And whereas, by section 10 of the principal Act it was amongst other things enacted that subject to the proviso in the said section contained, the mortgages or deeds of trust securing the securities thereby authorized to be guaranteed might provide for the issue from time to time and ranking *pari passu* with the said securities and without preference or priority one over the other of additional securities of similar kind, tenor and effect, not exceeding \$2,000 per mile of the mileage of any of the lines mentioned in the schedule thereto; provided always that before such additional securities were issued the guarantee by the province of the payment of the principal and interest thereof should first have been authorized by the Legislative Assembly and that such guarantee should first have been given pursuant to such authorization;

And whereas, it is expedient to authorize the guarantee by the province of additional securities pursuant to the said provision in the principal Act contained;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council is hereby authorized on such terms and conditions not inconsistent with the provisions of this Act as may be agreed upon with the company, to guarantee the principal and interest of additional bonds, debentures, debenture stock or other securities (hereinafter called the additional securities) of the company, to the extent and upon the terms hereinafter set forth.

2. The amount of the additional securities to be so guaranteed shall not exceed the sum represented by \$2,000 per mile of the line of the company's railway running from a point on the western division of the Grand Trunk Pacific Railway between the 111th and 113th degrees of longitude to Calgary.

3. The additional securities shall form part of the issue secured by the mortgage dated the 28th day of July, 1909, and made between the Grand Trunk Pacific Branch Lines Company, the National Trust Company, Limited, as trustee, and His Majesty, representing the Province of Alberta (being the deed of trust by way of mortgage securing the guaranteed securities authorized to be issued and guaranteed by the principal Act).

4. Before the additional securities are issued and guaranteed supplementary mortgages or deeds of trust covering the line in section 2 hereof mentioned, in the form approved by the Lieutenant Governor in Council shall, as provided in the second proviso to the said section 10 of the principal Act be taken to the trustees of the mortgage dated the 28th day of July, 1909, hereinbefore referred to.

5. The certificate of the Minister of Railways and Telephones for Alberta as to the mileage of the said line of railway shall for the purposes of this Act and of the additional securities be conclusive.

6. All the provisions of the principal Act not inconsistent with the provisions of this Act shall apply to the additional securities issued and guaranteed in pursuance hereof.

7. The time for the construction of the hereinbefore mentioned line of railway which the company is authorized to construct, or in respect of which the province is authorized to guarantee the securities, and the time for the completion of the same which but for the passing of this Act would have expired, is hereby extended until the 31st day of December, 1915. (1914, c. 2, s. 24.)

1913

(SECOND SESSION)

CHAPTER 5.

An Act to Authorize the Guarantee of Securities of Light Railways.

(Assented to October 22, 1913.)

WHEREAS it is expedient to make provision for the transportation facilities in portions of the province not served by existing railways;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council may on such terms and conditions not inconsistent with the provisions of this Act as may be agreed upon with the company, guarantee the payment of the principal and interest of the bonds, debentures, debenture stock or other securities (hereinafter called the securities) of a company in respect of the line or part of the line of the railway of such company, to the extent of an amount not being more than fifty per cent. of the estimated cost of construction thereof, and in any event not being more than \$7,000 a mile of the mileage of such railway or part thereof.

2. The certificate of the Minister of Railways and Telephones of the Province of Alberta as to the mileage of the said line shall, for the purposes of this Act and of the guaranteed securities, be conclusive, but the said Minister may issue interim certificates from time to time based upon the estimated mileage of the said line, or fixing temporarily the mileage with regard thereto. A final certificate shall ultimately be issued by the said Minister with regard to the said line to accord with the miles and fractions of miles of the said line actually constructed between the points authorized. The said securities may be made payable in whole or in part in lawful money of Canada or in its equivalent in sterling or other money. Interest thereon shall be payable at the rate of not more than five per cent. per annum and may be made payable either yearly or half-yearly.

3. The said securities shall be secured by one or more deeds of trust by way of mortgage or charge to a trustee or trustees approved by the Lieutenant Governor in Council and such deeds or deeds of trust shall grant a first mortgage or charge upon the line of railway and the rolling stock and equipment, present and future, acquired for the purposes of the said line, and the tolls, revenues and income arising and to arise therefrom, and the rights, privileges, franchises and powers of the company now or hereafter held or enjoyed in respect of the said line of railway and the operation and maintenance thereof.

4. The kind of securities to be guaranteed, and the form and terms thereof, and the form and terms of the deed or deeds of trust by way of mortgage securing them, and the times and manner of the issue of the securities, and the disposition of the moneys to be raised thereon by sale, pledge or otherwise, pending the expenditure of such moneys for the purposes of the said line of railway and the form and manner of the guarantee or guarantees from time to time or at any time given in respect thereof, shall be such as the Lieutenant Governor in Council may approve.

5. The said guarantee or guarantees shall be signed by the Provincial Treasurer or such other officer as may be designated by the Lieutenant Governor in Council and upon being so signed the Province of Alberta shall become liable for the payment of the principal and interest of the securities guaranteed according to the tenor thereof, and the Lieutenant Governor in Council is hereby authorized to make arrangements for supplying the money necessary to fulfil the requirements of the said guarantee or guarantees and to advance the amount necessary for that purpose out of the general revenue of the province, and in the hands of any purchaser, pledgee or other person acquiring any of such securities the said guarantee or guarantees so signed shall be conclusive evidence that the requirements of this Act with respect to the guaranteed securities and the deed of trust and all matters relating thereto have been complied with, and that the company is a company within the meaning of this Act, and that the railway is a railway to which this Act applies.

6. All moneys realized by sale, pledge or otherwise of the securities hereby authorized shall be paid directly by the purchaser, subscriber, pledgee, or lender into a bank or banks approved by the Lieutenant Governor in Council to the credit of a special account in the name of the Treasurer of the province or to such other credit as the Lieutenant Governor in Council may direct; and if money borrowed by the company upon pledge or otherwise of any of the securities prior to sale thereof, which money shall be paid in as aforesaid, the amount so paid in shall be deducted from the purchase price subsequently received for the securities so borrowed upon, and the balance only shall be paid in; and securities borrowed upon may after the loans thereon have been paid or discharged by the company be issued or re-issued and shall be secured by the said deed or deeds of trust and entitled to the benefit thereof notwithstanding such loans and payment or discharge. The balances at the credit of the special account or accounts shall be credited with interest at such times and at such rates as may be agreed upon between the company and the bank holding the same, and the said balances shall from time to time be paid out to the company or its nominees in monthly payments as far as practicable as the construction of the line of railway is proceeded with to the satisfaction of the government according to the specifications fixed by contract between the government and the company and from time to time as the said work of construction proceeds the government shall out of the said balances pay to the company or its nominees in monthly payments as far as is practicable, amounts equal respectively to one-half of such sums as an engineer appointed

by the Lieutenant Governor in Council shall certify as justified, having regard to the proportion of the work done upon the said line of railway as compared with the whole work done and to be done thereon. The balance, if any, of the proceeds of such securities which may remain after the completion of the said line of railway may be paid over to the company or its nominees upon such terms and conditions and in such amounts and at such time or times as shall be agreed upon between the company and the government.

7. Any payment by the province of principal or interest on the said securities, pursuant to the guarantee thereof, shall not in any event be taken to affect the liability of the company therefor under the securities so paid or under the deed or deeds of trust securing the payment thereof, but such liability shall remain unimpaired and enforceable by the province against the company. The province shall be subrogated as against the company to all rights, privileges and powers to which the holders of the respective securities so paid were entitled by virtue of such securities, or of the said deed or deeds of trust prior to payment by the province under its guarantee, and shall with respect to the securities so paid be in the same position as a holder of securities upon which the company has made default.

8. No securities shall be guaranteed hereunder until it has been made to appear to the satisfaction of the Minister of Railways and Telephones that adequate provision has been made by the company for furnishing the balance of the money necessary to construct and equip the railway; and no such securities shall be sold, pledged or otherwise disposed of without the consent of the Minister of Railways and Telephones.

9. In this Act unless the context otherwise requires—

(a) The word "company" shall mean a railway company authorized by the Province of Alberta to construct and operate a railway in the Province of Alberta, the length of which between the authorized termini in the company's special Act mentioned is not more than seventy-five miles;

(b) The expression "cost of construction" shall include surveys and location, engineering expenses, acquisition of right-of-way and station grounds, grading, construction of bridges, trestles, culverts, ties, rails and fastenings, track laying and surfacing, construction of telegraph and telephone lines and necessary equipment, construction of necessary stations and other buildings and erections, construction of water stations and providing for an adequate supply of water, all spurs, switches, sidings and all other railroad construction and rolling stock of whatever kind necessary to the effectual operation of the line of railway, interest during construction, all other work or expense incidental to and properly chargeable to the cost of construction and rolling stock equipment of the line of railway.

10. Not more than 200 miles of railway shall be guaranteed under this Act before the next session of the Legislature, nor shall any further mileage be guaranteed without a resolution of the Legislature fixing the limit of such mileage.

11. This Act may be cited as "*The Light Railways Assistance Act.*"

1913

(SECOND SESSION)

CHAPTER 6.

**An Act respecting The Alberta and Great Waterways
Railway Company.**

(See also 1909, c. 16, 46; 1910 (2), c. 9; 1910 (2), c. 11.)

(Assented to October 22, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Act known as chapter 9 of the Statutes of Alberta, 1910, 1 George V (2nd Session), is hereby repealed.

2. The Province of Alberta hereby ratifies and confirms the Acts known as 9 Edward VII, chapters 16 and 46, and the bond issue amounting to \$7,400,000.00 created thereunder, and the guarantee of the province thereon, which guarantee has been signed by A. C. Rutherford as Provincial Treasurer on some of the bonds and by A. L. Sifton as Provincial Treasurer on all of them; and the Provincial Treasurer is hereby authorized to issue and deliver the said bonds as soon as the same shall have been certified by the trustee, in exchange for the single interim bond of \$7,400,000.00 heretofore issued.

3. Notwithstanding anything contained in the said Acts, 9 Edward VII, chapters 16 and 46, or anything heretofore done thereunder, the Lieutenant Governor in Council is hereby authorized and empowered by order in council to change from time to time the bank or banks in which the moneys realized from the sale of the said bonds is deposited, and any bank holding said moneys, or any portion thereof, may lawfully pay such moneys to any other bank or banks pursuant to the provisions of any such order in council; and upon such payment shall be relieved from all liability in respect of the moneys so paid over.

Any money so transferred shall be held and paid out by the bank or banks to which it shall have been transferred in accordance with the terms and provisions of the Statute 9 Edward VII, chapter 16.

The Provincial Treasurer is hereby authorized and empowered to execute on behalf of the province an agreement or agreements indemnifying any bank from which the moneys or any part thereof are so transferred against any and all claims on the part of the holder or holders of the said bonds, or any person claiming through or under such holder or holders.

4. Upon the coming into force of this Act, the province shall be entitled to receive from the company the interest on the proceeds of the bond issue earned up to the time when this Act comes into force, less the interest accrued on the said bonds from

July 1st, 1913, up to the said time and upon such amount being so received all defaults of every nature and kind (if any) on the part of the railway company up to the time of the coming into force of this Act shall be and the same are hereby waived and nulled.

5. Section 14 of the Act 9 Edward VII, chapter 46, is hereby amended so as to provide that the work of constructing the said line of railway shall be commenced on or before the 31st day of December, 1913, and shall be completed within two years thereafter.

6. This Act shall come into force on proclamation by the Lieutenant Governor in Council.

PROCLAMATION.

On, from and after the 24th day of October, A.D. 1913, in pursuance of the said Section 6 of Chapter 6 of the Statutes of Alberta, 1913 (2nd Session) that the said Act shall come into force and take effect.

(See *Alberta Gazette*, Vol. 9, No. 20, Page 1, October 31, 1913.)

1913
(SECOND SESSION)

CHAPTER 7.

**An Act to Authorize the Guarantee of Certain Securities
of the Central Canada Railway Company.**

(See also 1914, caps. 29, 30; 1915, caps. 19, 36.)

(Assented to October 22, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council is hereby authorized on such terms and conditions not inconsistent with the provisions of this Act as may be agreed upon with the Central Canada Railway Company (hereinafter called the company) to guarantee the payment of the principal and interest of the bonds, debentures, debenture stock or other securities (hereinafter called the securities) of the company in respect of that portion of the line of the company's railway from a point where the said railway joins the Edmonton, Dunvegan and British Columbia Railway to a point at or near Peace River Landing, thence in a general westerly direction to a point in township eighty-one (81), range four (4), west of the sixth principal meridian, a total distance of one hundred miles, to the extent of twenty thousand dollars (\$20,000) per mile of such line.

2. The certificate of the Minister of Railways and Telephones of the Province of Alberta as to the mileage of the said line of railway shall, for the purposes of this Act and of the guaranteed securities, be conclusive, but the said Minister may issue interim certificates from time to time based upon the estimated mileage of the said line, or fixing temporarily the mileage with regard thereto. Final certificates shall be ultimately issued by the said Minister with regard to the said line to accord with the miles and fractions of miles of the said line actually constructed between the points authorized. The said securities may be made payable in whole or in part in lawful money of Canada or in its equivalent in sterling or other money. Interest thereon shall be payable at the rate of four and one-half per cent. per annum half-yearly. The principal shall be payable in thirty years from the passing of this Act.

3. The said securities shall be secured by one or more deeds of trust by way of mortgage or charge to a trustee or trustees approved by the Lieutenant Governor in Council and such deed or deeds of trust shall grant a first mortgage or charge upon the line of railway included therein and with respect to the mileage of which the securities secured thereby are issued, and the rolling stock and equipment, present and future, acquired for the purposes of the said line so included in such deed or deeds

of trust respectively, and the tolls, revenues and income arising and to arise therefrom, and the rights, privileges, franchises and powers of the company now or hereafter held or enjoyed in respect of the said line and the operation and maintenance thereof.

4. The kind of securities to be guaranteed, and the form and terms thereof, and the form and terms of the deed or deeds of trust by way of mortgage securing them, and the times and manner of the issue of the securities, and the disposition of the moneys to be raised thereon by sale, pledge or otherwise, pending the expenditure of such moneys for the purposes of the said line of railway, and the form and manner of the guarantee or guarantees from time to time or at any time given in respect thereof shall be such as the Lieutenant Governor in Council may approve.

5. The said guarantee or guarantees shall be signed by the Provincial Treasurer or such other officer as may be designated by the Lieutenant Governor in Council and upon being so signed the Province of Alberta shall become liable for the payment of the principal and interest of the securities guaranteed according to the tenor thereof, and the Lieutenant Governor in Council is hereby authorized to make arrangements for supplying the money necessary to fulfil the requirements of the said guarantee or guarantees and to advance the amount necessary for that purpose out of the general revenue of the province, and in the hands of any purchaser, pledgee or other person acquiring any of such securities the said guarantee or guarantees so signed shall be conclusive evidence that the requirements of this Act with respect to the guaranteed securities and the deed of trust and all matters relating thereto have been complied with.

6. All moneys realized by sale, pledge or otherwise of the securities hereby authorized shall be paid directly by the purchaser, subscriber, pledgee or lender into a bank or banks approved by the Lieutenant Governor in Council to the credit of a special account in the name of the Treasurer of the province or to such other credit as the Lieutenant Governor in Council may direct; and if money be borrowed by the company upon pledge or otherwise of any of the securities prior to sale thereof, which money shall be paid in as aforesaid, the amount so paid in shall be deducted from the purchase price subsequently received for the securities so borrowed upon, and the balance only shall be paid in; and securities borrowed upon may after the loans thereon have been paid or discharged by the company be issued or re-issued, and shall be secured by the said deed or deeds of trust and entitled to the benefit thereof notwithstanding such loans and payments or discharge. The balances at the credit of the special account or accounts shall be credited with interest at such times and at such rates as may be agreed upon between the company and the bank holding same and the said balances shall from time to time be paid out to the company or its nominees in monthly payments as far as is practicable as the construction of the line of railway is proceeded with to the satisfaction of the government according to the specifications fixed by contract between the government and the company, and from

time to time as the said work of construction proceeds the government shall out of the said balances pay to the company or its nominees in monthly payments as far as is practicable such sums as an engineer appointed by the Lieutenant Governor in Council shall certify as justified, having regard to the proportion of work done upon the said line of railway as compared with the whole work done and to be done upon such line. The balance, if any, of the proceeds of such securities which may remain after the completion of the said line of railway, shall be paid over to the company or its nominees. Pending completion of the said line the balances at the credit of such special accounts shall, until paid out as above provided for, be deemed part of the mortgaged premises under said deed or deeds of trust and shall not be taken to be public moneys, received by the province:

Provided, also, that the Lieutenant Governor in Council may upon the request of the company by order in council alter the deposit of the said money or any portion or balance thereof by approving of any other bank or banks than, and in the place and stead of, those originally approved of for the deposit therein of any of the said money or any portion or balance thereof, and any such money the deposit of which is so changed into any other bank or banks than those originally approved of, shall be deposited to the same credit and be subject to the same provisions as are herein provided for in respect of the original deposit or deposits.

7. Work to the value of at least fifty (50) miles of constructed line shall be done by the company upon the said line on or before the 31st December, 1914, and the said line shall be completed and ready for traffic on or before the 31st December, 1916.

8. The said line shall be constructed to a general standard in all respects, apart from grades and curvature (as to which the character of the country through which the lines pass shall be taken into consideration) not inferior to the standard fixed by the specifications of the main line of the Edmonton, Dunvegan & British Columbia Railway, and to the satisfaction of the Minister of Railways and Telephones.

9. Any payment by the province of principal or interest on the said securities, pursuant to the guarantee thereof, shall not in any event be taken to affect the liability of the company therefor under the securities so paid or under the deed or deeds of trust securing the payment thereof, but such liability shall remain unimpaired and enforceable by the province against the company. The province shall be subrogated as against the company to all rights, privileges and powers to which the holders of the respective securities so paid were entitled by virtue of such securities, or of the said deed or deeds of trust prior to payment by the province under its guarantee, and shall with respect to the securities so paid be in the same position as a holder of securities upon which the company has made default.

10. Subject to the proviso in this section contained, the deed or deeds of trust (hereinafter called the original instruments) securing the securities hereby authorized to be guaranteed may

provide for the issue from time to time and ranking *pari passu* with the said securities and without preference or priority one over the other of additional securities of similar kind, tenor and effect in respect of the mileage of the said line, and also additional securities of similar kind, tenor and effect also ranking *pari passu* and without preference or priority as aforesaid in respect of additional lines of railway in the Province of Alberta to be hereafter constructed by the company, but not exceeding twenty thousand dollars (\$20,000) per mile of such additional lines; provided always, that before any such additional securities are issued the guarantee by the province of the payment of the principal and interest thereof shall first have been authorized and the amounts to be issued per mile in respect of such lines shall first have been fixed by the Legislative Assembly and that such guarantee shall first have been given pursuant thereto.

11. A supplementary deed or deeds of trust (herein called supplementary instruments) covering the said line in respect of which additional securities are authorized to be issued or such additional lines as aforementioned, as the case may be, in the form approved by the Lieutenant Governor in Council shall from time to time be taken to the trustees of the original instruments, and such additional securities shall be issued under the terms of the original instruments and supplementary instruments which, together with the mortgaged premises covered by the original and supplementary instruments, shall form the security for all securities issued thereunder in the same manner and with the same effect as if the original instrument and supplementary instrument or instruments formed together but one instrument and as if all the securities issued or to be issued under the original or supplementary instruments were issued under one instrument.

12. Should the constructed mileage of the said line herein mentioned be less than the mileage herein estimated, by reason whereof there remains—

A surplus of authorized mileage in respect of which, no securities at the rates respectively specified with regard thereto were actually issued or guaranteed; or

A surplus of proceeds of the moneys realized by sale, pledge or otherwise of guaranteed securities issued in respect thereof,

the Lieutenant Governor in Council may guarantee additional securities in respect of such surplus of mileage or authorize the application of such surplus of proceeds, whichever may be the case, in or in respect of the further construction by the company of extensions of the said line or of branches therefrom, or of other lines of railway in Alberta approved by the Lieutenant Governor in Council.

(2) A supplementary deed or deeds of trust covering the mileage further constructed by the company under this section shall be taken to the trustees of the original instruments mentioned in sections 10 and 11 of this Act, and the provisions of section 11 shall, where not inconsistent with this section, apply to the supplementary deeds executed under this section and to the securities which may be issued and guaranteed in pursuance hereof.

1913

(SECOND SESSION)

CHAPTER 8.

An Act to Authorize the Guarantee of Certain Securities of the Canadian Northern Railway Company.

(See also 1909, c. 14; 1911-12, c. 17.)

(Assented to October 22, 1913.)

WHEREAS, by chapter 14 of the Statutes of Alberta passed in the year 1909, intituled "*An Act to authorize the Guarantee of Certain Securities of the Canadian Northern Railway Company*" (hereinafter called the principal Act), provision was made for the guaranteeing by the Province of Alberta of securities to the extent of \$13,000 per mile in respect of certain lines of railway mentioned and described in the schedule to the said Act, which the Canadian Northern Railway Company (hereinafter called the company) was authorized to construct, and for the securing of the guaranteed securities by means of certain mortgages or deeds of trust;

And whereas, by section 10 of the principal Act it was enacted that subject to the proviso in the said section contained, the mortgages or deeds of trust securing the securities thereby authorized to be guaranteed might provide for the issue from time to time and ranking *pari passu* with the said securities and without preference or priority one over the other of additional securities of similar kind, tenor and effect not exceeding \$2,000 per mile of the mileage of any of the lines mentioned in the schedule thereto, and also of additional securities of similar kind, tenor and effect also ranking *pari passu* and without preference or priority as aforesaid, not exceeding \$15,000 per mile of additional lines of railway in the Province of Alberta to be thereafter constructed by the Canadian Northern Railway Company; provided always that before such additional securities were issued the guarantee by the province of the payment of the principal and interest thereof should first have been authorized by the Legislative Assembly and that such guarantee should first have been given pursuant to such authorization;

And whereas, by chapter 17 of the Statutes of Alberta, 1911-12, intituled "*An Act to authorize the Guarantee of Certain Securities of the Canadian Northern Railway Company*" (hereinafter called the first supplementary Act), provision was made for the guaranteeing by the Province of Alberta of additional securities to the extent of \$13,000 per mile of one additional line of railway mentioned and described in the said first supplementary Act which the company was authorized to construct, and also for the securing of the said additional securities by certain further mortgages or deeds of trust supplementary to the mortgages or deeds of trust made or created under and pursuant to the said principal Act;

And whereas, it was by the first supplementary Act provided that all the provisions of the principal Act not inconsistent

with the provisions of the first supplementary Act should apply to the additional line of railway and to the additional securities issued and guaranteed in pursuance of the first supplementary Act;

And whereas, the provision of the said principal Act hereinbefore recited providing for the issue from time to time and ranking *pari passu* with the securities thereby authorized to be guaranteed and without preference or priority one over the other of additional securities of similar kind, tenor and effect, not exceeding \$2,000 per mile of the mileages of the lines of railway to which the said principal Act referred but subject always to the proviso in the principal Act contained providing that before such additional securities are issued, the guarantee by the province of the payment of the principal and interest thereof shall first have been authorized by the Legislative Assembly and that such guarantee shall first have been given pursuant to such authorization was intended to apply to the additional line of railway and to the additional securities issued and guaranteed in pursuance of the first supplementary Act in the same way and to the same extent and effect as if the said additional line of railway had been included in the schedule to the principal Act;

And whereas, it is expedient to authorize the guarantee by the province of additional securities pursuant to the said provision in the principal Act contained;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council is hereby authorized on such terms and conditions not inconsistent with the provisions of this Act as may be agreed upon with the company, to guarantee the payment of principal and interest of additional bonds, debentures, debenture stock or other securities (hereinafter called the additional securities) of the company to the extent and upon the terms hereinafter set forth.

2. The amount of the additional securities to be so guaranteed shall not exceed the sum represented by \$2,000 per mile of the lines of railway respectively mentioned in the schedule to the principal Act and the additional line of railway mentioned in the first supplementary Act and for the purposes of this Act and of the first supplementary Act the said additional line of railway shall be deemed to have been added to the schedule to the principal Act.

3. The additional securities shall form part of the issue secured by the mortgage dated the 10th day of June, 1909, and made between the Canadian Northern Railway Company, the National Trust Company, Limited, and the British Empire Trust Company, Limited, as trustees, and His Majesty the King representing the Province of Alberta (being the deed of trust by way of mortgage securing the guaranteed securities authorized to be issued and guaranteed by the principal Act); and by confirmatory and supplementary deeds made between the same parties and dated respectively the twentieth day of January, 1910, and the twentieth day of June, 1912.

4. Before the additional securities are issued and guaranteed any necessary supplementary mortgages or deeds of trust covering the lines mentioned in the schedule to the principal Act and the additional line of railway mentioned in the first supplementary Act in the form approved by the Lieutenant Governor in Council shall as provided in section 11 of the principal Act be taken to the trustees of the mortgage dated the 10th day of June, 1909, hereinbefore referred to.

5. The certificate of the Minister of Railways and Telephones for Alberta as to the mileage of the said lines of railway respectively shall, for the purposes of this Act, and of the additional securities, be conclusive.

6. All the provisions of the principal Act not inconsistent with the provisions of this Act, shall apply to the additional securities issued and guaranteed in pursuance hereof.

7. When the constructed mileage of any line or lines of railway mentioned or referred to in the schedule to the principal Act, or of the line of railway mentioned in the first supplementary Act, or the aggregate mileage of some or all of such lines is less than the mileage as estimated or set out in the said schedule or Act, by reason of which there remains a surplus of authorized mileage in respect of which no securities at the rates specified with regard thereto in the said principal Act or the first supplementary Act were actually issued or guaranteed, or a surplus of the proceeds of the money realized by sale, pledge or otherwise of the guaranteed securities in respect thereof, the Lieutenant Governor in Council may guarantee additional securities in respect of such surplus of mileage or authorize the application of such surplus of proceeds, whichever may be the case, in or in respect of the further construction by the company of extensions or any of the lines mentioned in the said principal Act, or the first supplementary Act, or of branches therefrom or of other lines of railway in Alberta approved by the Lieutenant Governor in Council.

8. The time for the construction of the lines of railway which the company is authorized to construct, or in respect of which the province is authorized to guarantee the securities, which but for the passing of this Act would have expired, is hereby extended until the thirty-first day of December, 1915. 1914, c. 2, s. 19.

1913
(SECOND SESSION)

CHAPTER 9.

**An Act respecting the Guarantee of Certain Securities of
the Canadian Northern Western Railway Co.**

(See also 1911-12, c. 19; 1913 (1), c. 20; 1913 (2) c. 9; 1915, c. 20.)

(Assented to October 22, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council is hereby authorized on such terms and conditions not inconsistent with the provisions of this Act as may be agreed upon with the Canadian Northern Western Railway Company (hereinafter called the company) to guarantee the payment of the principal and interest of the bonds, debentures, debenture stock or other securities (hereinafter called the securities) of the company to the extent of \$25,000 per mile for each mile or fraction of a mile of the company's line of railway and branches described in the schedule hereto (which line of railway and branches hereinafter together called the Brazeau line); the said securities may be made payable in whole or in part in lawful money of Canada, or its equivalent in sterling or other money; the interest thereon shall be payable at the rate of four and one-half per cent. per annum half-yearly, and the principal payable in thirty years from the passing of this Act.

2. The certificate of the Minister of Railways and Telephones of the Province of Alberta as to the mileage of the Brazeau line or of any part thereof, shall for the purposes of this Act and of the guaranteed securities be conclusive, but the said Minister may issue interim certificates from time to time based upon the estimated mileages, or fixing temporarily the mileage with regard thereto. Final certificates shall be ultimately issued by the said Minister to accord with the miles and fractions of miles of the Brazeau line actually constructed.

3. The securities shall be secured by a deed of trust by way of mortgage or charge to the British Empire Trust Company, Limited, and National Trust Company, Limited, as trustees (hereinafter called the trustees), and such deed of trust shall grant a first mortgage or charge, subject as therein to be stated, upon the mileage of the Brazeau line in respect of which the securities secured thereby are issued, and the rolling stock and equipment, present and future, acquired for the purposes of the Brazeau line, and the tolls, revenues and income arising and to arise therefrom, and the rights, privileges, franchises and powers of the company now or hereafter held or enjoyed in respect of the Brazeau line and the operation and maintenance thereof.

4. Sections 4, 5, 9 and 12 of chapter 19 of the Statutes of 1912 shall apply to the securities herein authorized to be guaranteed, and shall be deemed to be part of this Act.

5. Concurrently upon the execution of the said deed of trust, the province may execute the guarantee or guarantees herein provided for, and shall deposit the same with the trustees, or one of them. The trustees shall not, however, certify or deliver any of the guaranteed securities until the whole of the outstanding securities issued by the company in respect of the Brazeau line or parts thereof (under the trust deed dated First of May, 1911, to the trustees above mentioned) have been surrendered to or deposited with the trustees, or one of them, for cancellation; and upon, after or concurrently with such surrender or deposit, the trustees, or one of them, shall cancel and destroy the securities so surrendered, and shall execute and deposit with the Provincial Secretary an absolute release or discharge of the mortgage or deed of trust, dated the First of May, 1911, and may certify and deliver to the company, or its order, the securities by this Act authorized to be guaranteed.

6. The Brazeau line being now commenced, and the construction thereof well advanced toward completion, shall be completed and ready for operation on or before the First day of January, 1915.

7. The time for the construction of the lines of railway which the company is authorized to construct, or in respect of which the province is authorized to guarantee the securities, which but for the passing of this Act would have expired, is hereby extended until the Thirty-first day of December, 1915. (1914, c. 2, s. 23.)

SCHEDULE.

A line of railway extending from a point on the company's line at or near Blackfalds; thence in a generally westerly and northerly direction, passing through or near Rocky Mountain House, toward the several coal fields situate in the district of the Big Horn and Brazeau Rivers in the foot-hills of the Rocky Mountains in the Dominion of Canada, not exceeding in all 115 miles.

1913
(SECOND SESSION)

CHAPTER 10.

**An Act respecting the Taxation of the Unearned
Increment on Land.**

(Assented to October 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as the "*Unearned Increment Tax Act*."

2. The expressions defined in section 2 of *The Land Titles Act* shall have in this Act the same meanings as are by the said section assigned to them.

3. There shall be payable upon the registration under *The Land Titles Act* of any transfer of land a tax of five per cent. on the increased value of the said land over and above the value thereof according to the last preceding value for the purposes of this Act, excluding in all cases the cost of improvements or of development work actually made or done upon or in connection with the said land.

(2) No tax shall be payable under this Act upon the registration of any grant from the Crown or of any transmission of the land of a deceased person or upon any transfer from the executors or administrators of any such person to the devisee or devisees of such land or to the persons entitled thereto upon a distribution of the estate and any value ascertained upon the registration of any such transmission or transfer shall not be deemed to be a value ascertained for the purpose of this Act.

(3) No tax shall be payable under this Act in respect to the transfer of any unsubdivided land of which at least ten per cent. was under cultivation and which was actually and *bona fide* used by the transferror for agricultural purposes during twelve months immediately preceding the transaction which results in the making of the transfer, except to the extent of the excess area of land beyond 640 acres in which the transferror was beneficially interested immediately before the transaction which results in the making of the transfer and to the extent of the excess value of the land transferred beyond the sum of \$50.00 per acre without improvements.

(4) The value ascertained for the purpose of any transfer of land exempt from taxation under the last preceding clause shall be deemed to be a value ascertained for the purpose of this Act.

4. For the purpose of ascertaining the first taxable value for the purposes of this Act in respect of any interest in land created before the passing thereof, the last value for the purposes of this Act shall be deemed to be—

- (a) \$15.00 per acre in the case of any land not at the date of the passing of this Act within any incorporated city, town or village;
- (b) The assessed value of any land within any incorporated city, town or village according to the last revised assessment roll for the year 1913, if such land is assessed upon such roll or if not then such value as may be made to appear to the registrar of land titles to be just;
- (c) Provided that if it is made to appear to the satisfaction of the registrar that the person liable to pay any tax payable hereunder has before the passing of this Act bought or agreed to buy the land in respect of which such tax is payable at a price greater than the last value as hereinbefore ascertained, the price paid or agreed to be paid upon such purchase shall be deemed to be the last value for the purposes of this subsection;
- (d) And provided further that if within one year from the passing of this Act the owner of any land not within the limits of an incorporated city, town or village makes it appear to the registrar that at the time of the passing of this Act the value of such land exceeded \$15.00 per acre, the registrar shall cause the value of the said land to be ascertained and the value certified by him shall be deemed to be the value for the purposes of this subsection.

(2) For the purpose of ascertaining the first taxable value of any interest in land created after the passing of this Act, the last value shall be taken to be the value ascertained at the date of the creation of the interest, if any, or if no value was then ascertained, the last value shall be taken to be zero.

5. The secretary-treasurer of every incorporated city, town and village shall forthwith upon the assessment roll for such city, town or village being finally revised for the year 1913 send to the registrar of land titles for the district in which such city, town or village lies, a copy of such roll duly certified by him under the seal of the corporation.

(2) Upon the receipt by him of such assessment rolls, the registrar of land titles shall note upon every certificate of title covering lands included therein the value of such lands as shown upon such roll.

6. No transfer of land shall be registered until after the payment of any tax payable hereunder.

7. Unless otherwise agreed upon between the parties, any tax payable hereunder shall be payable by the transferrer or, in the case of the first transfer after the date of the passing hereof, shall be payable by the person beneficially entitled to the land at the said date.

(2) If any tax payable hereunder is paid by any person other than the person liable for the payment thereof, it shall be recoverable from the person so liable in an action at the suit of the person by whom it was paid in any court of competent jurisdiction as a debt due to such person.

8. Where part only of the land included in the last valuation is transferred the amount of the tax payable shall be ascertained by determining the unit value of the whole of the said land (namely, the value per square foot or per acre or as the case may be) according to the last preceding valuation, and the value according to the valuation of the same unit at the date of such transfer unless it is made to appear to the registrar upon oath that such ascertainment of the tax would be unfair or impracticable by reason of the variation in the quality or situation of the land, or other similar cause, and in such case the registrar shall decide the mode of ascertaining and the amount of the tax.

9. The Lieutenant Governor in Council may from time to time make such regulations and provide such forms not inconsistent with this Act as may be necessary or advisable for the efficient and equitable operation of the same.

NOTE.—See *Land Titles Act*, 1906, form ii, and the provisions of section 117, subsections 2, 3 and 4 thereof.

1913
(SECOND SESSION)

CHAPTER 11.

An Act respecting Commissioners to Administer Oaths.

(Assented to October 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. All duly enrolled barristers and solicitors of the Province of Alberta, residing in the province, shall be commissioners for taking affidavits in the province during such enrolment and residence.

2. The Lieutenant Governor in Council may, by a commission or commissions under his hand and the seal of the province, from time to time empower such and so many persons as he thinks fit and necessary to administer oaths and take and receive affidavits, declarations and affirmations within the province and to make a charge therefor not exceeding the sum of 25 cents.

3. Every commission issued under section 2 of this Act shall expire on the second 31st day of December after date of issue of same and said commission may be cancelled by order in council at any time.

4. All commissions heretofore issued by the Lieutenant Governor in Council for taking affidavits in the province shall expire on the 31st day of December, 1913.

5. The Lieutenant Governor in Council may by a commission or commissions under his hand and the seal of the province from time to time empower such and so many persons as he thinks fit and necessary to administer oaths and take and receive affidavits, declarations and affirmations without the province in or concerning any cause, matter or thing depending or in any wise concerning any of the proceedings in any court of law in the province whether such court exists at the date of the passing of this Act or is hereafter constituted; and every oath, affidavit, declaration or affirmation taken or made as aforesaid shall be as valid and effectual and shall be of the like force and effect to all intents and purposes as if such oath, affidavit, declaration or affirmation had been administered, taken, sworn, made or affirmed before a commissioner for taking affidavits within the province or other competent authority of the like nature.

(2) The commissioners so appointed shall be styled "Commissioners for taking affidavits in and for the Supreme Court of

the Province of Alberta," (or such other court as is hereinbefore referred to) and shall continue to be commissioners during the pleasure of the Lieutenant Governor in Council.

(3) A fee of \$10.00 shall be payable in respect of each such commission issued under the provisions of this section.

5a. Every person holding a commission as an officer in His Majesty's military or naval forces, being on active service in Canada or abroad, shall *ex officio* be and every such person is hereby empowered to administer oaths and take and receive affidavits, declarations and affirmations without the province in or concerning any cause, matter or thing depending or in anywise concerning any of the proceedings in any court of law in the province whether such court exists at the date of the passing of this section or is hereafter constituted; and every oath, affidavit, declaration or affirmation heretofore or hereafter taken or made as aforesaid shall be as valid and effectual and shall be of the like force and effect to all intents and purposes as if such oath, affidavit, declaration or affirmation had been administered, taken, sworn, made or affirmed before a commissioner for taking affidavits within the province or other competent authority of the like nature. 1915, c. 2, s. 24.

5b. Every member of the Legislative Assembly of Alberta shall *ex officio* be a commissioner for taking affidavits in the province.

(2) Every member of the Legislative Assembly of Alberta is hereby empowered to administer oaths and take and receive affidavits, declarations and affirmations without the province in or concerning any cause, matter or thing depending or in anywise concerning any of the proceedings in any court of law in the province whether such court exists at the date of the passing of this section or is hereafter constituted; and every oath, affidavit, declaration or affirmation taken or made as aforesaid shall be as valid and effectual and shall be of the like force and effect to all intents and purposes as if such oath, affidavit, declaration or affirmation had been administered, taken, sworn, made or affirmed before a commissioner for taking affidavits within the province or other competent authority of the like nature. 1915, c. 2, s. 24.

6. Chapter 14 of the Statutes of Alberta, 1906, being "*An Act respecting Commissioners to Administer Oaths*," is hereby repealed.

1913
(SECOND SESSION)

CHAPTER 12.

An Act respecting Actions for Libel and Slander.

(Assented to October 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Libel and Slander Act.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires—

(a) The expression "newspaper" shall mean a paper containing public news, intelligence or occurrences, or remarks or observations thereon, printed for sale, and published periodically or in parts or numbers, at regular intervals not exceeding thirty-one days between the publication of any two of such papers, parts or numbers, and shall include a paper printed in order to be made public weekly or oftener, or at intervals not exceeding thirty-one days, and containing only or principally advertisements;

(b) "Public meeting" means any meeting lawfully held in good faith for a public purpose and for the furtherance or discussion of any matter of public concern, whether admission thereto be general or restricted.

LIBEL AND SLANDER.

3. In an action for libel or slander the plaintiff may aver that the words or matter complained of were used in a defamatory sense specifying the defamatory sense without any prefatory averment to show how the words or matter were used in that sense and the averment shall be put in issue by the denial of the alleged libel or slander and where the words or matter set forth with or without the alleged meaning show a cause of action the statement of claim shall be sufficient.

4. In an action for libel or slander where the defendant has pleaded a denial of the alleged libel or slander only or has suffered judgment by default or judgment has been given against him on motion for judgment on the pleadings he may give in evidence in mitigation of damages that he made or offered a written or printed apology to the plaintiff for such libel or slander before the commencement of the action; or if the action was commenced before there was an opportunity of making or offering such apology that he did so as soon afterwards as he had an opportunity.

LIBEL.

5. On the trial of an action for libel the court or jury may give a general verdict upon the whole matter in issue in the action and shall not be required or directed to find for the plaintiff merely on proof of publication by the defendant of the alleged libel and of the sense ascribed to it in the action; but the judge shall according to his direction give his opinion and directions to the jury (if the action is tried by a jury) on the matter in issue as in other cases and the jury may on such issue find a special verdict if they think fit so to do and the proceedings after verdict whether general or special shall be the same as in other cases.

6. The court or a judge upon an application by two or more defendants in any two or more actions for the same or substantially the same libel or for a libel or libels contained in articles the same or substantially the same published in different newspapers brought by one and the same person may make an order for the consolidation of such actions so that they shall be tried together and after such order has been made and before the trial of such actions the defendants in any new actions instituted in respect to any such libel or libels shall also be entitled to be joined in a common action upon a joint application being made by such new defendants and the defendants in the actions already consolidated.

(2) In a consolidated action under this section the judge or jury shall assess the whole amount of the damages, if any, in one sum, but a separate judgment or verdict shall be taken for or against each defendant in the same way as if the actions consolidated had been tried separately and if the judge or jury find a judgment or verdict against the defendant or defendants in more than one of the actions so consolidated the judge or jury shall apportion the amount of the damages between and against such last mentioned defendants and the judge in the event of the plaintiff being awarded the costs of the action shall thereupon make such order as he shall deem just for the apportionment of the costs between and against such defendants.

NEWSPAPER LIBEL.

7. No action for libel contained in a newspaper shall lie unless the plaintiff has within six weeks after the publication thereof has come to his notice or knowledge, given to the defendant a notice in writing specifying the statement complained of which shall be served in the same manner as the statement of claim, or by delivering the notice to a grown-up person at the place of business of the defendant; and no such action shall be begun until in the case of a daily newspaper three (3) clear days, in the case of a weekly publication ten (10) clear days, and in the case of a monthly publication six (6) weeks have elapsed after the service of such notice, in order to give the defendant an opportunity to publish a full apology for the said libel; and if the defendant admits the libel and pleads that such a full apology was published before the commencement of the action, and that the libel was published in good faith and without malice, the plaintiff shall be entitled to enter a judgment for nominal damages

of \$5.00 and his costs up to and including defence or may proceed to trial but shall in such latter event only recover such actual damages as he has sustained, if the judge or jury find that the defences alleged are proven.

(2) In the case of a libel of any candidate for elective public office in Alberta the apology in this section referred to shall be made editorially in a conspicuous manner at least fifteen days (15) before the election.

8. The defendant may pay into court with his defence a sum of money by way of amends for the injury sustained, by publication of any libel to which the next preceding section applies and such payment shall have the same effect as payment into court in other cases.

9. A fair and accurate report published in a newspaper of any proceedings in the Senate or House of Commons of Canada, in any Legislative Assembly of any of the provinces of Canada or in any committee of any such bodies or of a public meeting or (except where neither the public nor any newspaper reporter is admitted) of any meeting of a municipal council, school board, board of health or of any other board or local authority formed or constituted under any of the provisions of any public Act of any Legislative Assembly of any of the provinces of Canada or of the Parliament of Canada or of any committee appointed by any of the above mentioned bodies and the publication of the whole or a portion or fair synopsis of any report, bulletin, notice or other document issued for the information of the public from any government office, bureau or department or by any board of health or medical health officer or the publication at the request of any government or municipal official, commissioner of police or chief constable of any notice or report issued by him for the information of the public shall be privileged unless it shall be proved that such publication was made maliciously.

(2) Nothing in this section shall authorize the publication of any blasphemous, seditious or indecent matter.

(3) The protection intended to be afforded by this section shall not be available as a defence in any proceeding if the plaintiff shows that the defendant has refused to insert in the newspaper making such publication a reasonable letter or statement of explanation of contradiction by or on behalf of the plaintiff.

(4) Nothing in this section shall limit or abridge any privilege now by law existing or protect the publication of any matter not of public concern or the publication of which is not for the public benefit.

10. All reports of proceedings in any open public court exercising judicial authority published in any newspaper shall be privileged, provided that they contain only fair and authentic reports without comment, but nothing in this section shall authorize the publication of any blasphemous, seditious or indecent matter.

11. In an action for libel contained in a newspaper the defendant may at any time after the delivery of the statement of claim

apply to a judge of the court in which the action is taken for security for costs, by notice of motion which shall be supported by an affidavit of the defendant or his agent, showing the nature of the action and of the defence, that the defendant has a good defence upon the merits, as the deponent is advised and believes, that the plaintiff is not possessed of property sufficient to answer the costs of the action in case a judgment is given in favour of the defendant, that the statements complained of were published in good faith, and that the grounds of action are trivial or frivolous, and the judge, upon a perusal of all material in support of and in opposition to the motion, may, in his discretion, order that the plaintiff shall give security for costs, which security shall be given in accordance with the practice in cases where the plaintiff resides out of Alberta, and the order shall be a stay of proceedings until the security is given; but where the alleged libel involves a criminal charge the defendant shall not be entitled to security for costs under this Act, nor shall he in any other case unless he can show that there was reasonable ground to believe that the publication was for the public benefit; and if it is alleged by the defendant that the publication took place in mistake or misapprehension of the facts that a full and fair retraction of any statement therein alleged to be erroneous was published either before or immediately after he was served with a notice under section 7 of this Act and was published in as conspicuous a place in the said newspaper and in as large type as was the article complained of. 1915, c. 7.

(2) For the purposes of this section the plaintiff or the defendant or their agents may be examined upon oath at any time after the delivery of the statement of claim.

(3) This section shall not apply to any action wherein the plaintiff shall sue in *forma pauperis*.

(4) An order made under this section shall be final and shall not be subject to appeal unless the same is made by a local judge of the Supreme Court, in which case an appeal shall lie to a judge of the Supreme Court sitting in chambers, whose order shall be final and shall not be subject to appeal.

12. An action for libel contained in a newspaper shall be tried in the judicial district where the chief office of such newspaper is, or in the judicial district wherein the plaintiff resides at the time the action is brought; but upon the application of either party, a judge of the court in which the action is brought may direct the action to be tried or the damages to be assessed in any other judicial district if it appears to be in the interests of justice or that it will promote a fair trial, and may impose such terms as to the payment of witness fees and otherwise as may seem proper.

13. An action for libel contained in a newspaper shall be commenced within three months after the publication thereof has come to the notice or knowledge of the person defamed; but where an action is brought and is maintainable for a libel published within that period, the same may include a claim for any other libel published against the plaintiff by the defendant in the same newspaper within a period of one year before the commencement of the action.

14. In an action for libel contained in a newspaper the defendant may prove in mitigation of damages that the plaintiff has already brought actions for and has recovered damages or has received or agreed to receive compensation in respect of a libel or libels to the same purport or effect as that for which such action is brought.

15. No defendant shall be entitled to the benefit of sections 7 and 13 of this Act unless the name of the proprietor and publisher and address of publication is stated either at the head of the editorials or on the front page of the newspaper.

(2) The production of a printed copy of a newspaper shall for all purposes of the trial be *prima facie* evidence of the publication by the defendant of the said printed copy.

16. In any action for the publication in a newspaper of any defamatory matter which has been communicated in writing to such newspaper with a view to its publication therein by a person other than a person employed by the defendant, the defendant may at any stage of the proceedings apply on notice to such person to a judge of the court in which the action is taken, for an order joining such person as a party defendant in the action, and such person may be so joined on such terms as may appear to be just.

(2) The application shall be supported by an affidavit verifying the facts entitling the defendant to have such person joined as a party defendant, and showing that the defamatory matter was not known by the applicant to be untrue and that it was not contained in an anonymous communication, and judgment may be given in the action against one or both of the defendants or for such remedy or relief over to the person or company against whom the action was in the first instance taken against the person so joined as a party defendant, as the court before which the action is tried shall determine.

SLANDER OF WOMEN.

17. In an action for slander for defamatory words spoken of a woman imputing unchastity or adultery, it shall not be necessary to allege in the plaintiff's statement of claim, or to prove that special damage resulted to the plaintiff from the utterance of such words, and the plaintiff may recover damages, without averment or proof of special damage.

(2) The defendant may, at any time after the delivery of the statement of claim, apply to a judge for security for costs, upon notice and an affidavit showing the nature of the action and that the plaintiff is not possessed of property sufficient to answer the costs of the action if a verdict or judgment is given in favour of the defendant, and that the defendant has a good defence on the merits, or that the grounds of action are trivial or frivolous; and the judge may in his discretion make an order that the plaintiff shall give security for the costs, which shall be given in accordance with the practice in cases where a plaintiff resides out of Alberta, and the order shall be a stay of proceedings until the security is given.

(3) For the purposes of subsection (2) the plaintiff or the defendant may be examined upon oath at any time after the delivery of the statement of claim.

REPEAL.

18. Chapter 30 of The Consolidated Ordinances, 1898, intituled "*An Ordinance to amend the Law relating to Slander*," is repealed.

1913

(SECOND SESSION)

CHAPTER 13.

An Act respecting Infants.

(Assented to October 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Infants Act.*"

Short title

2. The Supreme Court, upon the application of the mother of an infant, who may apply without a next friend, may make such order as the court sees fit regarding the custody of the infant, and the right of access thereto of either parent, having regard to the welfare of the infant, and to the conduct of the parents, and to the wishes as well of the mother as of the father, and may alter, vary or discharge the order on the application of either parent, or, after the death of either parent, of any guardian appointed under this Act, and in every case may make such order respecting the costs of the mother and the liability of the father for the same or otherwise as the court may deem just.

Court may make order as to custody of and right of access to infant

(2) The Supreme Court may also make an order for the maintenance of the infant by payment by the father, or out of any estate to which the infant is entitled, of such sum from time to time as according to the pecuniary circumstances of the father, or the value of the estate the court deems reasonable.

Order as to maintenance

(3) No order directing that the mother shall have the custody of or access to an infant shall be made in favour of a mother against whom adultery has been established by judgment in an action for criminal conversation or for alimony.

Order not to be made in favour of a mother guilty of adultery

3. Subject to the provisions of this Act and to any order which may be made by the Supreme Court the father of an infant, whether born at the time of the decease of the father or at the time *en ventre sa mere*, by deed or by his last will and testament in such manner and from time to time as he shall think fit may dispose of the custody and education of such infant, while he remains an infant, or for any lesser time to any person in possession or remainder.

Fathers may dispose of the custody of infants

(2) Such disposition shall be good and effectual against every person claiming the custody or education of such infant as guardian in socage or otherwise.

(3) The person to whom the custody of such infant is so committed may maintain an action against any person who wrongfully takes away or detains him for the recovery of such infant and for damages for such taking away or detention for the use and benefit of the infant.

Action of guardian for protection of ward

Power of court
as to produc-
tion of infant

4. Where upon any application by a parent for the production or custody of an infant the Supreme Court is of opinion that the parent has abandoned or deserted the infant, or that he has otherwise so conducted himself that the court should refuse to enforce his right to the custody of the infant, the court may in its discretion decline to make the order.

Power of court
to order repay-
ment of costs
of bringing up
child

5. If at the time of the application for the production of an infant the infant is being brought up by another person, the court may, in its discretion, if it orders the infant to be given up to the parent, further order that the parent shall pay to such person the whole of the cost properly incurred in bringing up the infant, or such portion thereof as shall seem to the court to be just and reasonable, having regard to all the circumstances of the case.

Court in mak-
ing order to
have regard to
conduct of
parent

6. Where a parent has—

- (a) Abandoned or deserted his infant; or
- (b) Allowed his infant to be brought up by another person at that person's expense, for such a length of time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties;

the court shall not make an order for the delivery of the infant to the parent, unless the parent has satisfied the court that it would be for the welfare of the infant so to do.

Power of court
as to infant's
religious
education

7. Upon any application by the parent for the production or custody of an infant, if the Supreme Court is of opinion that the parent ought not to have the custody of the infant and that the infant is being brought up in a different religion to that in which the parent has a legal right to require that the infant should be brought up, the court shall have power to make such order as it may think fit to secure that the infant be brought up in the religion in which the parent has a legal right to require that the infant should be brought up. Nothing in this Act contained shall interfere with or affect the power of the court to consult the wishes of the infant in considering what order ought to be made, or diminish the right which any infant now possesses to the exercise of its own free choice.

Definitions of
"parent" and
"person"

8. As used in the four preceding sections the expression "parent" of an infant includes any person at law liable to maintain such infant or entitled to his custody, and "person" includes any school or institution.

Rules of equity
as to custody
and education
of infants to
prevail

9. In question relating to the custody and education of infants the rules of equity shall prevail.

INFANT'S REAL ESTATE.

A sale of the
estate of the
infants may
be authorized

10. Where an infant is seized, possessed of or entitled to any real estate in fee or for a term of years, or otherwise, and the Supreme Court is of opinion that a sale, lease or other disposition of the same, or of a part thereof, is necessary or proper for the maintenance or education of the infant or that for any cause his interest requires or will be substantially promoted

by such disposition, the court may order the sale, or the letting for a term of years, or other disposition of such real estate, or any part thereof, to be made under the direction of the court or of one of its officers, or by the guardian of the infant, or by a person appointed for the purpose, in such manner and with such restrictions as may be deemed expedient, and may order the infant to convey the estate.

(2) No sale, lease, or other disposition shall be made contrary to the provisions of a will or conveyance by which the estate has been devised or granted to the infant or for his use.

No sale contrary to a devise, etc.

11. The application shall be in the name of the infant by his next friend, or guardian; but shall not be made without the consent of the infant if he is of the age of fourteen years or upwards unless the court otherwise directs or allows.

The application to be by next friend or guardian

12. Where it is deemed convenient, the court may direct some other person in the place of the infant to convey the estate.

When a substitute may be appointed to convey

13. Every such conveyance, whether executed by the infant or by a person appointed to execute the same in his place, shall be as effectual as if the infant had executed the same, and had been of the age of twenty-one years at the time.

Deeds executed in behalf of infants to be valid

14. The money arising from such sale, lease or other disposition shall be laid out, applied and disposed of in such manner as the court directs.

The court to direct the application of proceeds

15. On any sale or other disposition so made, the money raised, or the surplus thereof, shall be of the same nature and character as the estate sold or disposed of; and the heirs, next of kin, or other representatives of the infant, shall have the like interest in any surplus which may remain at the decease of the infant as they would have had in the estate sold or disposed of if no such sale or other disposition had been made.

Quality of surplus moneys upon sale of real estate

16. Where an infant is seized of the reversion of land subject to a lease and such lease contains a covenant not to assign or sublet without leave, the guardian of such infant may with the approbation of a judge of the Supreme Court or of the judge of the District Court of the judicial district in which the land, or any part of it, is situate, consent to any assignment or transfer of such leasehold interest, in the same manner and with the like effect as if the consent were given by a lessor under no such disability.

Consent to assignment of lease by infant

17. Where by a will or other instrument property is given beneficially to any person for his life with a power of devising or appointing the same by will in favour of his children, or of one or more of them, the Supreme Court may on the application, or with the consent of the tenant for life, order that such portion of the proceeds of the property, as it may deem proper, shall be applied towards the maintenance or education of any infant child in whose favour the power might be exercised, notwithstanding that there is a gift over in the event of there being no children to take under the power, or that there is a right

Order for maintenance where estate settled for life with power of appointment in favour of children of life tenant

conferred upon the tenant for life, or upon some other person in such event to make a disposition of the property in favour of some person other than such children.

DIVIDENDS OF INFANT'S STOCK OR PROCEEDS THEREOF.

Supreme Court may order dividends of stock belonging to infants be applied for maintenance

18. The Supreme Court by an order to be made on the application of the guardian of an infant in whose name any stock or money by virtue of any statute for paying off any stock is standing and who is beneficially entitled thereto, or if there is no guardian by an order to be made in any action, cause or matter depending in the court may direct all or any part of the dividends in respect of such stock or any such money to be paid to the guardian of such infant or to any other person for the maintenance and education or otherwise for the benefit of the infant.

(2) Such guardian or other person to whom payment is directed to be made shall be named in the order and his receipt therefor shall be as effectual as if the infant had attained the age of twenty-one years and had signed and given the same.

Costs may be directed to be paid

(3) The court may order the costs and expenses of and relating to the application to be made and raised out of or from the stock or dividends in respect of which the same is made in such manner as the court deems proper.

Act to be an indemnity to banks, etc.

(4) This section shall be a full and complete indemnity and discharge to all banks, companies and societies and their officers and servants for all acts and things done or permitted to be done pursuant thereto.

MARRIAGE SETTLEMENTS OF INFANTS.

Infants may with the approbation of the Supreme Court make valid settlements upon marriage

19. Every infant upon, or in contemplation of, his marriage with the sanction of the Supreme Court may make a valid and binding settlement, or contract for a settlement, of all or any part of his property over which he has a power of appointment, whether real or personal and whether in possession, reversion, remainder or expectancy, and every conveyance, appointment and assignment of such property or contract to make a conveyance, appointment or assignment thereof, executed by such infant with the approbation of the court for the purpose of giving effect to such settlement, shall be as valid and effectual as if the person executing the same were of the full age of twenty-one years.

(2) This section shall not extend to a power which it is expressly declared shall not be exercised by an infant.

If infant die under age appointment or disentailing deed to be void

20. Where an appointment under a power of appointment or a disentailing assurance has been executed by an infant tenant in tail under the provisions of the next preceding section and the infant afterwards dies under age, such appointment or disentailing assurance shall thereupon become absolutely void.

The sanction of the Supreme Court to be given upon motion

21. The sanction of the court to any such settlement or contract for a settlement may be given upon the application of the infant or his guardian without the institution of an action, and if there is no guardian the court may require a guardian to be

appointed if it shall think fit and the court may also require that any person interested or appearing to be interested in the property shall be served with notice of the application.

22. Nothing in the next three preceding sections shall apply to a male infant under the age of twenty years, or to a female infant under the age of seventeen years.

GUARDIANS.

23. On the death of the father of an infant, the mother, if surviving, shall be the guardian of the infant, either alone, when no guardian has been appointed by the father or jointly with any guardian appointed by the father. On death of father, mother to be guardian alone, or jointly with others

(2) Where no guardian has been appointed by the father, or if the guardian appointed by the father is dead, or refuses to act, the Supreme Court or the District Court may from time to time appoint a guardian or guardians to act jointly with the mother.

(3) The mother of an infant may, by deed or will, appoint any person or persons to be guardian or guardians of the infant after the death of herself and the father of the infant, if the infant be then unmarried and where guardians are appointed by both parents they shall act jointly. Mother may appoint guardian in certain cases

(4) The mother of an infant may, by deed or will, provisionally nominate some fit person or persons to act as guardian or guardians of the infant after her death jointly with the father of the infant, and the court after her death, if it be shown that the father is for any reason unfitted to be the sole guardian of his children, may confirm the appointment of such guardian or guardians, who shall thereupon be empowered to act, or may make such other order in respect of the guardianship as may be deemed just.

(5) In the event of guardians being unable to agree upon a question affecting the welfare of an infant, any of them may apply to the court for its direction, and the court may make such order as may be deemed proper.

24. Upon the application of an infant, or of any one on its behalf, when it is made to appear that the infant has no parent or lawful guardian or that such parent or lawful guardian is not a fit and proper person to have the guardianship of the infant, the court may appoint a guardian or new guardian. Court may appoint guardian

25. Testamentary guardians and guardians appointed by order or letters of guardianship shall be removable by the Supreme Court or by the District Court for the same causes for which trustees are removable. Removal of guardians

(2) Any such guardian may by leave of the court resign his office upon such terms and conditions as may be deemed just.

AUTHORITY OF GUARDIANS.

26. Unless, where the authority of a guardian appointed or constituted by virtue of this Act is otherwise limited, the guardian Guardian's authority

so appointed or constituted during the continuance of his guardianship—

To act for ward

(a) Shall have authority to act for and on behalf of the infant;

To appear in actions

(b) May appear in any court and prosecute or defend any action or proceedings in his name;

To manage real and personal estate etc.

(c) Shall have the charge and management of the infant's estate, real and personal, when he has given such security as may be ordered by the court or when security has been dispensed with by order of the court; have the custody of the infant's person and the care of his education.

ADOPTION OF INFANT.

27. Any adult person, or a husband and wife jointly, may by petition to the Supreme Court apply for leave to adopt an infant or infants.

28. The Supreme Court may, on the return of the petition, if satisfied of the ability of the petitioner or petitioners to bring up and educate the infant in a proper manner and of the fitness and propriety of the adoption, having regard to the welfare of the infant and the interest of the natural parents, if living, make an order for the adoption of the infant by the petitioner or petitioners.

29. Unless such consent is dispensed with by the said court no order for adoption shall be made without the written consent of the following persons duly verified by affidavit, that is to say:

1. The infant when above the age of ten years;
2. The parents of the infant or survivor of them; or the parent, guardian or person having the custody of the infant; or the mother only where the infant is illegitimate;
3. The parent by adoption in case of a subsequent adoption;
4. One of the next of kin to the infant where such infant has no parent or guardian.

30. When an order for adoption has been made the effect shall be—

1. To divest the natural parents, guardian or person in whose custody the infant has been, of all legal rights in respect of such infant and to free such persons from all legal obligations and duties as to the maintenance of such infant;

2. To make such infant, for the custody of the person and right of obedience, to all intents and purposes the child of the petitioner or petitioners;

3. To give the infant the same right to any claim for nurture, maintenance and education upon his adopted parent or parents that he would have were they his natural parent or parents.

Adopted infant to take share of estate as if born to parent in wedlock and to stand in this relation to his descendants

31. As to succession to property an infant adopted in accordance with the provisions of this Act shall, in case of intestacy, take the same share of property of the parent by adoption that he would take if born to such parent in lawful wedlock, and he shall stand in regard to the legal descendants but to no other of the kindred of such parent in the same position as if born to such parent in lawful wedlock.

32. If a person adopted dies intestate his property acquired by himself or by gift or inheritance from his parent by adoption or from the kindred of such parent, shall be distributed among the persons who would have been his kindred if he had been born to such parent in lawful wedlock; and property received by gift or inheritance from his natural parents or kindred shall be distributed in the same manner as if no act of adoption had taken place.

Adopted infant dying his estate to descend as if born to such parent

(2) No person shall by being adopted lose his right to inherit from natural parents or kindred.

33. Any child, adopted elsewhere than in Alberta, and the adopted parents of such child shall, in the case of intestacy, have the same rights in respect of the property of each other in Alberta, that they would have if such property were situate in the place of the said adoption.

34. The practice and procedure on applications to the court under this Act shall be governed by *The Judicature Ordinance* and the Rules of Court.

35. Except where otherwise provided herein the District Court referred to in this Act is the District Court of the judicial district in which the infants or any or either of them reside.

What District Court or judge to act

(2) The powers conferred by this Act on the Supreme Court may be exercised by a judge thereof in chambers.

1913

(SECOND SESSION)

CHAPTER 14.

An Act respecting Juvenile Courts.

(Assented to October 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Short title

1. This Act may be cited as "*The Juvenile Courts Act.*"

Formation of courts

2. In every village of over five hundred inhabitants and in every town and city there shall be a Juvenile Court, and such court shall have jurisdiction over such portions of the province, in addition to the area included within the limits of such village, town or city, as the Lieutenant Governor in Council may from time to time designate.

(2) The Lieutenant Governor in Council may at any time establish a Juvenile Court for any rural municipality, district or portion of the province or for any other village.

Name of court

3. Juvenile Courts shall be styled "*The Juvenile Court of the (city, town, village, rural municipality or district as the case may be)*".

JUDGES.

Judges

4. Commissioners appointed under section 25 of *The Children's Protection Act of Alberta* shall be judges of the Juvenile Courts of the city, town, village, rural municipality or district to which they are appointed.

(2) The following shall be *ex officio* judges of the Juvenile Courts as hereinafter set out:

- (a) The police magistrate of any city or town of the Juvenile Court of such city or town;
- (b) Every District Court judge of the Juvenile Courts within his judicial district;
- (c) Every Supreme Court judge of the Juvenile Courts of the province;

Provided, however, that judges of the Supreme and District Courts shall not be required to preside at a Juvenile Court unless willing so to do:

When persons other than commissioner may try cases

Provided further, that in any place where a commissioner has been appointed under section 25 of *The Children's Protection Act*, no person other than the commissioner shall act as judge of the Juvenile Court of such place, except during the absence or illness of such commissioner or on his written request or the request of the Attorney General or of the Superintendent of Neglected Children.

(3) Any justice of the peace may, on the written request of the Attorney General or of the Superintendent of Neglected Children, act as Juvenile Court judge for the trial of any case specified in the said request and shall, while so acting, have all the powers of a Juvenile Court.

One justice of the peace may act as judge in certain cases

JURISDICTION.

5. Every Juvenile Court hereunder shall be a Juvenile Court within the meaning and for the purposes of *The Juvenile Delinquents Act*, 1908, being chapter 40, 7-8 Edward VII, and shall have all the powers vested in a Juvenile Court under that Act, and shall also have power to try any child charged with an offence against the laws of Alberta and to deal with truants and offences under *The Truancy Act*.

Jurisdiction

CLERKS OF JUVENILE COURTS.

6. Every agent of a Children's Aid Society shall be a clerk of the Juvenile Court held at the place where he resides.

Clerk of juvenile courts

(2) Superintendent of Neglected Children and every inspector appointed under *The Children's Protection Act* shall each be a clerk of all Juvenile Courts.

(3) Any city, town, village, rural municipality or district agreeing to pay for the services of a clerk may, with the approval of the Superintendent of Neglected Children, appoint such clerk.

7. It shall be the duty of the clerk of a Juvenile Court to see that all cases to be heard before the court are properly prepared, to have before the court all papers and documents in such cases, to arrange for the sittings of the court and to preserve order during such sittings.

Duty of clerks

8. Every clerk shall, at the close of each sitting of the court or at the end of each week as required by the Superintendent of Neglected Children, forward to him on forms supplied for the purpose, a full report of the cases brought before the court, of which he is clerk or at which he acted as clerk, the disposition or order made in each case, the parentage and religion of each delinquent and such other information as may be required.

Clerk to report to superintendent

(2) No clerk shall disclose or make public the contents of any report or any information therein contained and any clerk disclosing or making public the contents of such report or any portion thereof shall be guilty of an offence and liable on summary conviction to pay a penalty not exceeding twenty dollars.

Penalty for disclosure of contents of report by clerk

RECORDS.

9. A book or books, the form of which shall be approved by the Attorney General, shall be kept by the Superintendent of Neglected Children, in which shall be entered the particulars of each case heard before a Juvenile Court, as shown by the reports received from clerks of the said courts.

Record to be kept by superintendent

PROBATION OFFICERS.

Persons who
are probation
officers

10. Every agent of a Children's Aid Society shall be a probation officer for juvenile delinquents within the city, town, village, rural municipality or district in which such society is situate, and every inspector under *The Children's Protection Act* shall be a probation officer, with power to act at any point within the province.

Voluntary
probation
officers

11. Upon the consent of the Superintendent of Neglected Children and the consent of the person to be appointed, a judge of a Juvenile Court may, in writing, appoint such person a probation officer for the time mentioned in the appointment, and any person so appointed shall be a voluntary probation officer and act without remuneration, unless remuneration has been provided by the city, town, village, rural municipality or district for which he is appointed.

Duties of
probation
officers

12. Every probation officer shall be under the control of the Superintendent of Neglected Children and shall perform such duties as shall be assigned to him by the said Superintendent.

Probation
officers
to have
powers of
peace officers

13. Every probation officer, duly appointed as hereinbefore provided shall, while acting in the discharge of his duties as such probation officer, have all the powers of a peace officer.

Probation
officer to
have powers
of a truant
officer
Juvenile Court
committee

14. Every probation officer shall have all the powers of a truant officer under the provisions of *The Truancy Act*.

15. When there is no Children's Aid Society in a city, town, village, rural municipality or district having a Juvenile Court the Superintendent of Neglected Children may, with the approval of the Attorney General, appoint at such place a committee of citizens to be known as the Juvenile Court committee.

Detention
homes

16. Any orphan or children's home, with the consent of the trustees or governing body thereof, and every temporary home or shelter under *The Children's Protection Act*, shall be a detention home within the meaning of *The Juvenile Delinquents Act*, in which any child may be held in confinement at the expense of the city, town, village, municipality or district within which the offence, with which the child is charged, was committed.

(2) Subject to the provisions of *The Juvenile Delinquents Act* the Attorney General may declare any place, house, home or institution a detention home within the meaning of that Act and may make regulations for the government and management of such homes in so far as they are used for that purpose.

PROCLAMATION.

May 2nd, 1914.

The said last mentioned Act shall come into force in the said Province of Alberta on the day of the issuing and publication of this, our proclamation, in our *Canada Gazette*. (See *Canada Gazette*, No. 44, Vol. XVII.)

1913
(SECOND SESSION)

CHAPTER 15.

An Act respecting School Grants.

(Assented to October 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The School Grants Act.*" Short title

2. In this Act unless the context otherwise requires, all words, ^{Interpretation} names and expressions shall have the same meaning as is expressly or impliedly attached to them in *The School Ordinance.*

3. In aid of schools organized and conducted under the pro- ^{Grants to}visions of *The School Ordinance* and regulations in that behalf ^{schools} there shall be paid out of any legislative appropriation made for that purpose—

1. To rural districts— Rural

- (a) To each district the sum of \$1.10 per day for each legally authorized teaching day during which the school is kept open;
- (b) An additional sum of 30 cents per day for each legally authorized teaching day during which the school is kept open in the year of its organization of the school district and the three succeeding years;
- (c) A special grant for the encouragement of the teaching of agriculture and school gardening to be fixed and apportioned in accordance with regulations of the Minister as approved by the Lieutenant Governor in Council.

2. To village and town districts—

- (a) To a district in which the number of teachers employed ^{Village and town} does not exceed 12 the sum of \$1.00 for each day the school is kept open;
- (b) To a district in which the number of teachers employed is between 13 and 40 inclusive the sum of 75 cents for each day the school is kept open;
- (c) To a district in which the number of teachers employed is between 41 and 100 inclusive the sum of 60 cents for each day the school is kept open;
- (d) To a district in which the number of teachers employed is between 101 and 200 inclusive the sum of 50 cents for each day the school is kept open;
- (e) To a district in which the number of teachers employed exceeds 200 the sum of 30 cents for each day the school is kept open;

- (f) Special grant or grants to be fixed and apportioned by the Minister under regulations approved by the Lieutenant Governor in Council for the encouragement of the teaching of such special subjects and classes as may be approved by the Minister:

Classification
of districts

Provided, however, that where a separate school district has been established within the area of a public school district, such public and separate school districts shall for the purpose of classification under this clause be deemed to be one district only, but in apportioning the grant payable to the public and separate schools respectively there shall be no discrimination:

Transition
from one class
to another

Provided further, that the increase in the number of teachers employed in the schools of any town or city shall not have the effect of reducing the total amount of grant payable to the schools in such town or city; and where a separate school district has been established within the area of a public school district the total amount payable to the schools of such public and separate school districts shall be divided between the two districts in proportion to the number of teachers employed in each. 1914, c. 13, s. 4.

On inspectors'
grading

3. To each rural or village district whose school attains a minimum grading on its efficiency in respect to grounds, buildings, equipment, government and progress a sum not exceeding 15 cents per day to be paid in proportion to such grading for each day school is kept open; and such grading shall be based upon the inspector's report or reports as prescribed by the regulations of the department:

Provided, however, that the department may in lieu of such sum or any portion thereof supply to such district for its school library or libraries books of equal value selected from the list authorized by the department for library purposes.

For pupils
above grade
eight

4. To each district having a daily average attendance of at least six pupils in grades above the eighth as classified by the regulations of the department, and not maintaining one or more rooms exclusively for such grades, the sum of \$40.00 per term.

For rooms for
pupils above
grade eight

5. To each district maintaining one or more rooms exclusively for pupils in grades above the eighth as classified by the regulations of the department and having a daily average attendance of not less than 15 the sum of \$75.00 per term.

For consoli-
dated
districts

6. To each consolidated school district:

(a) The total amount of the grant which, in the estimation of the Minister, would have been earned by each of the school districts united into the consolidated school district had each of such districts been conducting school for the number of days that the consolidated had been kept open;

(b) 80 cents per day for each conveyance employed by the district to convey pupils to and from the school house in the said district; provided, however, that the style of conveyance and the route travelled shall, in each case, be approved by the Minister.

For convey-
ance of
pupils

7. To each district providing means of conveyance for the children of the district to the school of another district under the provisions of section 165 of *The School Ordinance* such amount as the Minister may determine but not to exceed the amount the district would have earned had it kept its own school open for

the number of days such conveyance was used with a minimum attendance of five.

3b. The Minister of Education may in aid of any school organized and conducted under the provisions of *The School Ordinance* in a district in which land held under grazing lease or permit from the Government of Canada is situate, pay to such school out of the moneys received by him from the trust fund created by section 17a of *The Educational Tax Act*, such sum or sums as he shall think fit. 1914, c. 13, s. 4.

4. No grant shall be paid to any district under the provisions of section 3 hereof unless an average attendance of five is maintained in its school for the term immediately preceding the time when the payment of the grant may be due: Minimum attendance

Provided, however, that upon the recommendation of an inspector a district whose schools has not maintained an average attendance of five for any term may be paid a grant the amount of which shall bear the same proportion to the amount which would have been paid had the said average been maintained that the actual average attendance for the term bears to five. 1914, c. 13, s. 4.

5. Any and every amount payable to any district under section 3 hereof shall not, unless otherwise provided, be payable for more than 200 days in any calendar year. 1914, c. 13, s. 4. Maximum number of days

6. In any district where more than one teacher are employed each room shall rank as a district under the provisions of clauses 1, 2, 3, 5 and 6 of section 3 hereof, when the average attendance of the whole school shall at least equal twenty pupils to each teacher employed, or when the employment of teachers in such numbers as to reduce such average attendance below twenty has been made on the recommendation in writing of an inspector. 1914, c. 13, s. 4. Each room to rank as district

7. If the sum total of the grants payable to any district shall exceed 70 per cent. of the salary actually earned by the teacher or teachers employed in the district during the year the amount of the grant payable at the end of the second term of the year shall be reduced so that the total amount of the grant paid shall equal the said 70 per cent. Not to exceed 70 % of salary

8. Payments may be made in respect of the amounts earned under clause 1 or clause 2 of section 3 hereof at the end of the school term ending on the 30th day of June and the 31st day of December in each year on receipt of the returns hereinafter provided and on receipt of the treasurer's bond and the teacher's agreement as provided in *The School Ordinance*. Payable at end of term

9. In case the school of any district is open during only a portion of the year payment may be made to such district in respect to the amounts earned under clause 1 or clause 2 of section 3 hereof as soon as the school closes for the year on receipt of the returns, bond and agreement mentioned in the next preceding section. Or at end of school year

Payable to
teacher for
arrears of
salary

10. When the return of the treasurer of any district as herein-after provided shows that the district is indebted to any teacher or teachers with respect to salary the grant payable to such district under clause 1 or clause 2 of section 3 hereof or such portion of it to the amount of such indebtedness shall be paid proportionately to such teacher or teachers.

Under clause
3 if no
inspection

11. The grant earned by any district under clause 3 of section 3 hereof shall be paid to such district at the end of the school year and in case the school of any district is not inspected during the year the district shall be paid for such year such grant as it may be entitled to upon the basis of the grading its school attains on the first inspection in the following year.

Teacher
attending
convention

12. Any district whose school has been closed on account of the absence of the teacher in attending a teachers' institute or convention held under the regulations of the department shall be entitled to all grants as if the school had been actually in operation during such period.

School closed
by reason of
disease

13. If in any district the school has been closed by the written order of a duly qualified medical practitioner on account of the prevalence within the district of any disease the Lieutenant Governor in Council may pay grants in respect of such days as the school has been closed but in no case shall such grants be paid for more than thirty teaching days in the calendar year.

Special grant
by Order
in Council

14. The Lieutenant Governor in Council may order the payment of a special grant to any school whether organized according to law or not.

Statements
to be
forwarded

15. The secretary, treasurer and teacher of every district shall at the end of each school term forward to the Minister such statements respecting the school and district as are necessary to enable him to apportion the grants to which it may be entitled under this Act and such statement shall be verified by declaration and shall be in form prescribed by the Minister.

16. (*Repealed*—1915, c. 10, s. 4.)

No fees

17. No grant shall be paid under clause 4 or clause 5 of section 3 hereof to any district which imposes school fees on pupils in grades above the eighth, whether they are residents of the school district or otherwise.

Supervisors

18. In town districts supervisors whose qualifications and appointment are approved by the Minister shall, for the purposes of this Act, rank as teachers.

Repealed

19. *The School Grants Ordinance* and amendments thereto is hereby repealed.

20. This Act shall come into force on the first day of January, 1914.

REGULATIONS RE TECHNICAL EDUCATION UNDER THE
SCHOOL GRANTS ACT.

Edmonton, Monday, November 2, 1914.

Pursuant to the provisions of Section 3 of *The School Grants Act*, His Honour the Lieutenant Governor, by and with the advice of the Executive Council, has been pleased to order the approval of the Regulations hereto attached, which shall apply to the payment of grants under subclause (c) of clause 1 of Section 3, and of subclause (f) of clause 2 of said Section 3 thereof:

SCHEDULE OF GRANTS IN AID OF TECHNICAL EDUCATION.

I.

Instruction in Science, Agriculture and School Gardening.

(A) In rural and village school districts:

(1) To the school board: An annual grant equal to 50 per cent. of their expenditure on approved improvement and upkeep of school garden and the value of approved equipment for such instruction up to a maximum grant of \$15;

(2) To the teacher: An annual grant of \$25.

(B) In any school district including a town or city in which fewer than 30 teachers are employed in aid of instruction in Science and Agriculture and related school gardening in Grades VII to XI inclusive of all of such grades as may be represented in the said schools:

(1) To the school board: An annual grant equal to 50 per cent. of their expenditure on approved improvements and upkeep of the school garden and the value of the approved equipment for such instructions up to a maximum grant of \$75;

(2) To the teacher responsible for such instruction and giving full time service to the board: An annual grant of \$50.

(C) In any school district including a town or city in which at least 30 teachers are employed in aid of instruction in the Agricultural course of Grade XI:

(1) To the school board: An annual grant equal to 50 per cent. of their expenditure on approved improvements and upkeep of the necessary garden and experimental plots and the value of the approved equipment for such instruction to a maximum grant of \$75 for each school providing such instruction.

II.

Instruction in Manual Training.

(A) In rural and village school districts:

(1) To the school board: An annual grant equal to 50 per cent. of the value of approved equipment up to a maximum grant of \$15;

(2) To the teacher: An annual grant of \$20.

(B) In any school district including a town or city in which fewer than 30 teachers are employed:

(1) To the school board: An annual grant equal to 10 per cent. of the value of approved equipment up to a maximum grant of \$100 exclusive of grants earned under Section 18 of *The School Grants Act*;

(2) To the teacher responsible for such instruction and giving full time service to the board: An annual grant of \$50.

III.

Instruction in Household Science and Art.

(A) In rural and village school districts:

(1) To the school board: An annual grant equal to 50 per cent. of the value of approved equipment up to a maximum grant of \$15;

(2) To the teacher: An annual grant of \$20.

(B) In any school district including a town or city in which fewer than 30 teachers are employed:

(1) To the school board: An annual grant equal to 10 per cent. of the value of the approved equipment up to a maximum grant of \$100 exclusive of grants earned under Section 18 of *The School Grants Act*;

(2) To the teacher responsible for such instruction and giving full time service to the board: An annual grant of \$50.

IV.

Night Class Instruction.

(4) In any school district including a city, town or village in which fewer than 30 teachers are employed; or in any other school district that has obtained permission from the Minister to establish night class instruction:

(1) To the school board: (a) When approved night class instruction in only the ordinary school branches is provided: An annual grant equal to 40 per cent. of the cost of tuition up to a maximum grant of \$100; (b) When approved night class instruction in vocational and technical subjects in addition to that in the ordinary school branches is provided: An annual grant equal to 50 per cent. of the cost of tuition up to a maximum grant of \$250.

(B) In any school district including a village, town or city in which at least 30 teachers are employed:

(1) To the school board: An annual grant equal to 25 per cent. of the cost of tuition in approved night classes up to a maximum grant of \$1,500.

V.

Pre-Vocational, Vocational and Technical Day Classes.

(4) In any school district including a town or city in which at least 30 teachers are employed:

(1) To the school board: (a) An annual grant equal to 25 per cent. of the total expenditure for the salaries of instructors and supervisors of such classes up to a maximum grant of \$2,000, inclusive of grants earned under Section 18 of *The School Grants Act*; (b) An annual grant equal to 5 per cent. of the value of approved equipment up to a maximum grant of \$1,500.

PAYMENT OF GRANTS.

(1) The grants for the encouragement of instruction in the subjects and courses indicated in the schedule are payable only when the organization, accommodation, equipment, courses of instruction, instructors and supervisors have been approved by the Minister of Education. If the provisions made by the school board and the character of the instruction be not fully satisfactory and if there be sufficient evidence of a *bona fide* effort to bring them up to standard the Minister may authorize the payment of such portion of the grant as, in his discretion, he may determine. The grants indicated in the schedule shall be subject to such *pro rata* increase or decrease as the amount available for such grants may permit or require.

(2) The instructors and supervisors of the subjects and courses of instruction affected by the said grants must hold such certificates and meet such requirements as the Minister may prescribe.

(3) The courses and classes affected by these grants shall form an integral part of the school system under the control of the school board and shall be under the general direction and supervision of the superintendent of schools in those school districts where such an official is employed by the board and in all other cases under the direction of a principal to be designated as the supervising principal of the schools of the district.

(4) The school board shall cause to be prepared and transmitted to the Department of Education within thirty days after the close of each calendar year, an annual report and such other reports as may be required by the Minister from time to time. Such reports shall be in form prescribed by the Minister.

(5) In regard to night class instruction the schedule of grants shall be deemed in force on and after October 1st, 1914, the balance of the schedule shall become operative on and after January 1st, 1915.

CLERK OF EXECUTIVE COUNCIL.

1913

(SECOND SESSION)

CHAPTER 16.

An Act to amend The School Ordinance, The School Assessment Ordinance and The Truancy Act.

(Consolidated in various Ordinances.)

1913

(SECOND SESSION)

CHAPTER 17.

An Act to amend The Liquor License Ordinance.

(Consolidated in C.O. 1915, c. 89.)

1913

(SECOND SESSION)

CHAPTER 18.

An Act to amend The Alberta Insurance Act.

(Repealed—1915, c. 8, s. 102.)

1913

(SECOND SESSION)

CHAPTER 19.

An Act to amend Chapter 19 of the Statutes of the Province of Alberta, 1907, intituled "The Corporations Taxation Act," and amendments thereto.

(Consolidated in 1907, c. 19.)

1913

(SECOND SESSION)

CHAPTER 20.

An Act to amend the Company Law.

(Assented to October 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. That this Act may be cited as *The Companies Act, 1913*.

2. Where any association has been or is about to be formed as a limited company if it proves to the registrar that it is formed for the purpose of promoting art, science, religion, charity or any other useful object, and that it is the intention of such association to apply the profits, if any, or any other income of the association in promoting its objects and to prohibit the payment of any dividend to the members of the association the registrar may direct such association to be registered with limited liability without the addition of the word "limited" to its name and such association may be registered accordingly and upon registration shall enjoy all the privileges and be subject to the obligations imposed by *The Companies Ordinance* and by this Act on limited companies with the exception that none of the provisions thereof that require a limited company to use the word "limited" as a part of its name or to publish its name or to send a list of its members, directors, or managers to the registrar shall apply to an association so registered; the direction by the registrar may be made upon such conditions and subject to such regulations as the registrar thinks fit to impose and such conditions and regulations shall be binding on the association and may at the option of the registrar be inserted in the memorandum and articles of association or in both or in one of such documents.

3. In the case of any existing association or company formed for the above mentioned purposes or any of them and using the word "limited" as a part of its name it shall be lawful for the registrar upon the application of such association or company to authorize the discontinuance of the word "limited" as part of such name; and upon such authorization being granted such association or company shall be entitled to the same benefits and subject to the same liabilities as associations registered under the provisions of this Act.

4. Where any association has been or is about to be formed as a limited company, if it proves to the satisfaction of the registrar that it is formed solely for the purpose of promoting recreation amongst its members and that it is the intention of such association to apply the profits, if any, or any other income of the association in promoting its objects and that it is not formed with

gain for its object and that no dividend shall be divided among the members of the association and that its capital does not exceed six thousand dollars the registrar may direct such association to be registered with limited liability without the addition of the word "limited" to its name and such association may be registered accordingly and shall enjoy all the privileges and be subject to the obligations of *The Companies Ordinance* and of this Act with the exception that none of the provisions thereof that require a limited company to use the word "limited" as a part of its name or to publish its name or to send in to the registrar any of the returns prescribed by this Act shall apply to an association so registered and that the total fee for registering such an association shall be twenty-five dollars.

5. Tables B and C in the first schedule to *The Companies Ordinance* are hereby repealed and the following substituted therefor:

"TABLE B.

Table of fees to be paid to the registrar by a company having a capital divided into shares:

For registration of a company whose nominal capital does not exceed \$20,000.....	\$50.00
For registration of a company whose nominal capital exceeds \$20,000, the above fee of \$50.00 with the following additional fees regulated according to the amount of capital, that is to say:	
For every \$5,000 or part of \$5,000 after the first \$20,000 up to \$100,000.....	5.00
For every \$10,000 or part of \$10,000 after the first \$100,000 up to \$500,000.....	3.00
For every \$100,000 or part of \$100,000 thereafter.....	20.00
For registration of any increase of capital made after the first registration of the company, the same fees as would have been payable if such increased capital had formed part of the original capital at the time of registration.	
For registering change of name of a company.....	5.00
For registration of any existing company, except such companies as are by this Ordinance exempted from payment of fees in respect of registration under this Ordinance, the same fee as is charged for registering a new company.	
For registering any document hereby required or authorized to be registered other than the memorandum of association....	1.00
For making a record of any fact hereby authorized or required to be recorded by the registrar a fee of.....	1.00
Fees for each search.....	.25
Fee for publishing the certificate of incorporation in <i>The Alberta Gazette</i>	5.00
Fee for filing articles of association.....	2.00

"TABLE C.

Table of fees to be paid to the registrar by a company not having its capital divided into shares:

For registration of a company whose number of members as stated in the articles of association does not exceed 10.....	\$50.00
For registration of a company whose number of members as stated in the articles of association exceeds 10 but does not exceed 100	80.00
For registration of a company whose number of members as stated in the articles of association exceeds 100 but is not stated to be unlimited the above fee of \$80.00, with an additional \$5.00 for every fifty members after the first 100.	
For registration of a company in which the number of members is stated in the articles of association to be unlimited.....	200.00

For registration of any increase in the number of members made after the registration of the company in respect to every fifty members or less than fifty members of such increase.....	\$5.00
Provided, that no one company shall be liable to pay on the whole a greater fee than \$100.00 in respect of its number of members, taking into account the fee paid on the first registration of the company.	
For registering any document hereby required or authorized to be registered other than the memorandum of association....	1.00
For making a record of any fact hereby authorized or required to be recorded by the registrar of companies a fee of.....	1.00
Fees for each search.....	.25
Fee for publishing the certificate of incorporation in The Alberta Gazette.....	5.00
Fee for filing articles of association.....	2.00

1913

(SECOND SESSION)

CHAPTER 21.

An Act to amend The Rural Municipality Act.

(Consolidated in 1911-12, c. 3.)

1913

(SECOND SESSION)

CHAPTER 22.

An Act to amend The Town Act.

(Consolidated in 1911-12, c. 2.)

1913

(SECOND SESSION)

CHAPTER 23.

An Act to amend The Village Act.

(Consolidated in 1913 (1), c. 5.)

1913
(SECOND SESSION)

CHAPTER 24.

An Act respecting Brands.

(Assented to October 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Brand Act.*" Short title

INTERPRETATION.

2. In this Act unless the context otherwise requires the expression—

1. "Department" means the Department of Agriculture for Department
Alberta;

2. "Minister" means the Minister of Agriculture for Alberta; Minister

3. "Horse" means any horse, mare, gelding, colt or filly, Horse
ass or mule;

4. "Cattle" means any bull, cow, ox, heifer, steer or calf; Cattle

5. "Stock" means any horse or head of cattle; Stock

6. "Owner" means the owner, jointly or in severalty of any Owner
brand or vent recorded under this Act, and the authorized agent
or such owner or transferee;

7. "Brand" means any letter, sign or numeral or combination Brand
of the same recorded as allotted;

8. "Vent" means— Vent

(a) Any vent brand allotted as having been recorded prior
to March 1st, 1898;

(b) A second marking in a horizontal or lazy position im-
mediately below the brand mark upon any stock of a letter
or numeral forming part or the whole of such brand;

Any such brand denoting the fact of the proprietary
rights in any stock bearing the same having passed
from the owner to some other person.

9. "Recorded" means duly entered in the record to be kept Recorded
in pursuance of this Act;

10. "Character" means any sign, letter or numeral. Character

**BRANDS: THEIR NATURE, OWNERSHIP, DURATION, USE AND
SIGNIFICANCE.**

3. Subject to the provisions in subsection 2 of this section Brands may
be allotted
contained brands of any form or combination of characters
may be allotted for any part of the body of any stock, subject
to the approval of the Minister.

Form of
brands

(2) Every brand for cattle allotted for the hip or thigh, for the rib and for the shoulder or top of arm shall consist of three characters and the shape and pattern of such characters and the arrangement thereof shall be fixed and determined by the Minister:

Provided, that on the payment of an additional fee of fifty cents any person may have allotted to him any other brand, which may consist of less than three characters and which does not conflict with any brand already allotted.

Cancellation
of brands

4. All brands allotted under the provisions of this Act and all brands and vents allotted under the provisions of any other Act or Ordinance and, save as hereinafter provided, all rights of the owner thereto, therein, or thereunder, shall be cancelled and determined as and upon the several dates respectively hereinafter mentioned, that is to say:

Those allotted prior to January 1st, 1907, upon December 31st, 1915;

Those allotted during the years 1907, 1908 and 1909, upon December 31st, 1916;

Those allotted during the years 1910, 1911 and 1912, upon December 31st, 1917;

Those allotted during the years 1913 and 1914, upon December 31st, 1918;

And thereafter those allotted subsequent to the 31st day of December in the year 1914 upon the 31st day of December in the fourth year next following the year during which such brand was allotted: 1914, c. 23, s. 1.

Renewal of
brands

Provided, that upon application during the year in which any brand would become cancelled hereunder the allotment and exclusive right to the use thereof may from time to time be renewed for a further period of four years from the end of such year:

Re-allotment
of brands to
original owner

Provided, further, that the owner of any brand so cancelled may, upon application in writing, not later than three months next after the date of such cancellation procure the re-allotment to him of such brand.

Re-allotment
of brands to
other persons
forbidden

(2) Save as herein provided no brand shall, after any cancellation thereof, be again allotted to any person until after the expiration of one year after the date of its cancellation. 1914, c. 23, s. 1.

Owner's exclu-
sive right to
use of brand

5. Until the cancellation of the same the owner of any brand allotted under this Act or under any other Act or Ordinance shall have the exclusive right to the use thereof, and during such period the mark of any brand upon stock not bearing the mark of a subsequent vent by the owner of such brand shall be *prima facie* evidence in any court or tribunal in Alberta of the ownership by the owner of such brand of the animal bearing the same, but no such presumption of ownership shall arise or be given effect to in any case where the brand upon any such animal has not been recorded or has been cancelled prior to such evidence being tendered.

Brand as
evidence

No evidence
if cancelled

RECORD OF BRANDS.

Recorder of
brands

6. The Lieutenant Governor in Council may appoint a Recorder of Brands, who shall be subject to the direction of the Minister

and who shall keep in a book or books for that purpose a record of all brands allotted under this Act, or any other Act or Ordinance, and of their duration, renewal, re-allotment, cancellation and transfer, together with the dates thereof and the names of the owner or transferee thereof.

7. Any person shall be entitled to search or have the record searched to obtain certified extracts therefrom during the regular business hours of the department, upon payment of the fees prescribed in the tariff of fees appended hereto. Searches and
extracts

8. Any person requiring the allotment to him of a brand, or the re-allotment or the renewal thereof, shall make application therefor to the recorder, which application shall be accompanied by the proper fee therefor as prescribed in the said tariff, and upon being satisfied that such application is in conformity with the provisions of this Act the recorder shall grant such application and enter such allotment, renewal or re-allotment in the record forthwith. Application
for allotment
of brand

Provided, however, that the Minister may, if he deems it advisable, refuse any such application:

Provided also, that no brand shall be allotted to an Indian living upon a reserve. 1914, c. 23, s. 1.

9. Upon the recording of the allotment, renewal or re-allotment of any brand as aforesaid the person in whose name the same is last recorded shall become the owner thereof and of all rights thereto and therein and the recorder shall deliver or transmit to such person a certificate of the allotment, renewal or re-allotment thereof and of the recorded entry of the same, and the production of any certificate purporting to be a certificate signed by the recorder under the provisions of this section in any court or tribunal in Alberta shall be *prima facie* evidence of the ownership of such brand without any further proof of signature. Certificate of
record of
brand

10. The Minister may at any such time and in such manner as to him may seem advisable cause to be published from time to time a complete list of the brands recorded under this Act and may make a reasonable charge for the volume containing the same. Publication of
recorded
brands

CHANGE IN RECORD.

11. The recorder may, upon the application of any owner, accompanied by the fee prescribed in the said tariff, make changes in any brand or form or position thereof not inconsistent with the provisions of this Act. Change in
brand

NOTICE OF EXPIRATION.

12. It shall be the duty of the recorder in each year to notify the owners of all brands which would expire and become cancelled at the expiration of such year of the date upon which the same will become cancelled, unless previously renewed, and such notice shall be given by registered letter, postage prepaid and addressed to such owners respectively at their respective post offices as entered in the said record. Notice of
expiration to
be sent by
recorder

CANCELLATION BY THE MINISTER.

Minister may
cancel con-
flicting brands

13. If any two or more owners of stock have the same or conflicting brands recorded the Minister may, if he deems it advisable, authorize the cancellation of the brand last recorded or (with the sanction of the owner) of any brand previously recorded, and may allot another in lieu thereof, without charge.

TRANSFER OF BRANDS.

Recording
transfer of
brands

14. Any person wishing to transfer the ownership in any brand recorded under the provisions of this Act shall make and sign in the presence of a commissioner for oaths, who shall affix his signature thereto as such commissioner, as a witness, a memorandum in form A in the schedule hereto, and shall transmit the same to the recorder with the proper fee chargeable upon such transfer, as prescribed in the said tariff; and the recorder, upon the receipt of such memorandum and fees, shall make an entry in the record opposite to the entry of the original allotment thereof, setting forth the fact of such transfer of such brand to the transferee, together with his post office address and the date of such entry; and such transferee shall thereafter be deemed to be the owner of and to have the exclusive right to the use of such brand and to the same benefits and rights in respect thereof as before such transfer was held by the transferor hereunder.

Where owner
is dead or
absent

(2) In case of death or absence of the owner a declaration made by the transferee in form B in the schedule hereto appended may, subject to the approval of the Minister, be accepted in lieu of the memorandum in form A:

Provided that such transfer shall not be recorded until thirty days after notice thereof has been published in one issue of the official gazette and in two successive weekly issues of a newspaper to be named by the Minister.

Vent on
transferred
stock

15. Upon every transfer for value of any stock marked with the recorded brand of the transferor the transferor shall also mark his vent on the stock so transferred unless at the time of such transfer the said brand is transferred to the transferee of such stock:

Or statement
of transfer
given

Provided, however, that with the transferee's consent it shall be a sufficient compliance with requirements of this section if the transferor shall give to the transferee, when so taking possession of such stock, a statement according to form C in the schedule appended hereto, and thereafter such statement shall, for the space of thirty days next after the date thereof, be accepted in any court or tribunal in Alberta as evidence of the transfer of such stock according to the purport thereof.

DROVERS.

16. Whenever the owner of any stock, or his agent, is removing such stock from one point of the province to another, distant twenty miles or more from his home, or to a point beyond the province, he shall provide himself with the brand recorder's certificate of the brand of such stock as a proof that the said

stock are properly in his possession; or such proprietor shall make a declaration before anyone empowered to take affidavits, showing the number and class of stock which are being removed and the recorded brands on the same, which declaration he shall give to the person in charge of such stock; and any person who may have purchased stock and is driving the same or having them driven from one point in the province to another, or to a point beyond the province, which stock are not branded with the purchaser's recorded brand, shall have in his possession or give to the person in charge thereof a bill of sale of such stock from the vendor thereof, showing the number and class of the same and the last recorded brand on them. Any person shall have the right to inspect such travelling stock and compare the brands thereon with such brand certificate, declaration or bill of sale; and the person in charge of such stock shall, when required, produce and submit the same to inspection, and shall also submit all stock in his charge to inspection. Any owner or drover or person in charge of such stock failing to comply with any of the requirements of this section or anyone who interferes or in any way tries to prevent the inspection of such stock, shall be guilty of an offence under this Act.

(2) The provisions of this section shall not apply to any person driving stock for the purpose of shipment or bringing the same away from any railway shipping point within the province reasonably close to the place from or to which such stock are being brought, nor to the driver of any animal which has strayed.

BRAND COMMISSIONERS.

17. The Lieutenant Governor in Council may appoint a board of brand commissioners, to consist of three persons, each of whom shall be the owner of horses or cattle and of at least one brand allotted under this Act, and shall be a resident of Alberta. a Appointment of brand commissioners

(2) The said board shall meet at such times and places as the recorder of brands shall arrange and appoint, and shall advise him of all matters which he may bring to their notice in connection with the administration of this Act. Meeting

(3) Each member of the said board shall hold office during the pleasure of the Lieutenant Governor in Council, and his said office shall be honorary; but each commissioner shall be allowed for his travelling and other expenses while attending meetings of the board the sum of five dollars per day and his actual transportation expenses. Tenure of office, and expenses

(4) The recorder of brands shall be the secretary of the board and shall keep a record of the proceedings of every meeting thereof, which shall be certified to by the members of the board present at each such meeting as correct, and shall form a part of the records of the department. Record of proceedings

OFFENCES AND PENALTIES.

18. Any person who—

- (a) Brands, or directs, aids or assists to brand any stock with a brand, vent or mark which has not been recorded under the provisions of this Act or which has been cancelled thereunder; Offences and penalties

- (b) Brands or causes, directs or permits to be branded with his own or with any brand, vent or mark any stock of which he is not the owner without the authority of the owner;
- (c) Blotches, defaces or otherwise renders illegible, or alters any brand, vent or mark upon stock, or directs, causes or permits any such brand, vent or mark to be blotched, defaced or otherwise rendered illegible or altered;
- (d) Refuses to comply with the provisions of section 16 of this Act;

shall be guilty of an offence and, in addition to any other penalty to which he may be subject by law, on summary conviction thereof before a justice of the peace, be liable to a penalty not exceeding the sum of \$200.00 and costs.

19. The Minister may prescribe any forms necessary for the purpose of carrying out of the provisions of this Act.

20. Chapter 22 of the Ordinances of the North-West Territories, 1900, and amendments are hereby repealed. 1914, c. 23, s. 1.

SCHEDULE.

FORM A.

MEMORANDUM OF TRANSFER OF BRAND.

To the Recorder of Brands, Medicine Hat, Alberta:

DESCRIPTION OF BRAND.	I, (or we)....., being the recorded owner... of the brand mentioned in the margin hereof, having transferred the same to..... of.....
(Brand)	Alberta, do hereby request that you will make the necessary transfer to.....
POSITION	of such brand in your record and I (or we) enclose herewith the sum of two dollars (\$2.00) as the authorized fee therefor under 'The Brand Act.'
CATTLE OR HORSES.	
Dated at.....	this.....
day of....., 191...	.....

Owner.

Witness:

Post Office Address.

A Commissioner for Oaths for Alberta.

1914, c. 23, s. 1.

FORM B.

IN THE MATTER OF AN APPLICATION FOR THE TRANSFER OF A BRAND.

I,....., of....., Alberta, do solemnly declare:

- | | |
|----------------------|---|
| DESCRIPTION OF BRAND | 1. That I am the purchaser of the brand mentioned in the margin hereof and recorded in the name of..... of..... |
| (Brand) | 2. That the said brand was actually sold to me by the said..... on or about the..... day of..... 191..., and that I am entitled to a transfer for the same. |
| POSITION. | |

CATTLE OR HORSES. 3. That (a or no) transfer of the said brand was given to me by the said.....

4. That I am to the best of my knowledge and belief the rightful owner of all (horses or cattle) running at large in this district, branded with the said brand.

And I make this solemn declaration, conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at.....
in the Province of Alberta this..... }
day of..... A.D. 191..... } (Signature of Transferee.)

A Commissioner of Oaths for Alberta.

1914, c. 23, s. 1.

FORM C.

To all whom the same may in anywise concern:

Take notice that I have this-day sold to (name of purchaser) the following described stock:

.....

.....

branded with my recorded brand No.....

Description:.....

.....

Dated at..... this
day of....., 19.....

(Signature.)

(P.O. Address.)

TARIFF OF FEES.

On application of allotment of a brand.....	\$3.00
On application of renewal of a brand.....	2.00
On application of re-allotment of a brand.....	3.00
On application for change in the record of a brand.....	2.00
On every transfer of a recorded brand.....	3.00
For every search of a brand record.....	1.00
For every certified extract from the brand record.....	2.00

1914, c. 23, s. 1.

1913

(SECOND SESSION)

CHAPTER 25.

An Act to amend The Game Act, being Chapter 14 of the Statutes of Alberta, 1907, as amended by the Statutes of Alberta, 1908, 1909, 1910 (2nd Session), and 1911-12.

(Consolidated in 1907, c. 14.)

1913
(SECOND SESSION)

CHAPTER 26.

**An Act to provide for Giving Threshers a Lien in
Certain Cases.**

(Assented to October 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Threshers Lien Act.*"

2. Every person, firm or company owning or operating a threshing machine or separator, or causing the same to be operated, shall each year before commencing operations register his or their machine or machines with the Minister of Agriculture and shall procure a certificate of registration as in form A in the schedule hereto.

3. Such registration certificate shall be kept posted in a conspicuous place upon the machine or separator by the owner or operator during the whole of the threshing season.

4. The fee for registration shall be \$1.00.

(2) Upon a transfer of ownership of a machine, registered under this Act, the certificate of registration may be transferred as in form B in the schedule hereto by the Minister of Agriculture upon proof to his satisfaction of such transfer upon payment of a transfer fee of 50 cents.

5. Every person who threshes or causes to be threshed grain of any kind for another person at or for a fixed price or rate of remuneration shall from the date of the commencement of such threshing have a lien upon such grain for the purpose of securing payment of the said price or remuneration and may take a sufficient quantity of such grain to secure payment of said price or remuneration or of such part or proportion thereof as may be earned at the time of such taking and such lien shall have priority over all rights of execution against the owner thereof or chattel mortgages, bills of sale or conveyances made by him and over rights of distress for rent reserved upon the land upon which the grain is grown; provided, that the right to exercise said lien and to take, remove and sell the grain retained under said lien shall be subject to the following conditions:

1. The machine or separator must be registered in the name of the owner or owners in accordance with the provisions of this Act.

(2) Notice of said retention of said grain shall be given during the threshing or forthwith after the threshing is finished and said grain so retained shall be separated from the bulk of the threshed grain and removed from the premises within thirty days.

(3) All claims for wages from employees of the thresher for such threshing shall be satisfied.

6. The quantity of grain which may be so retained shall be approximately such as will when computed at the market value thereof at the nearest market pay the total account for threshing done that season, together with the cost of haulage of the grain so retained as follows: 4 cents per 100 pounds for six miles or less, and $\frac{3}{4}$ cents per 100 pounds for each additional mile; provided that the total charge for haulage shall not exceed 20 cents per 100 pounds.

7. The person who asserts such right of retention and removal may house or store the grain so taken and removed in his own name and if at the expiration of fifteen days from the time when such right of retention is asserted by the person entitled to the same the price or remuneration for which the said grain is held be not paid such person may sell the said grain at a fair market price, retain the haulage as set out in section 6 hereof and the price of remuneration for threshing and pay the balance, if any, to the owner of said grain.

8. In all cases grain retained under the provisions of this Act shall be sold within thirty days after the right of retention is asserted, unless the owner thereof consents in writing to the same being held unsold for a longer period.

9. Every owner or operator of a machine shall from time to time, as he may be required by the Minister of Agriculture, send to the Department of Agriculture such certificates as to compliance with the provisions of *The Noxious Weeds Act*, and such other information, statistics and returns as may be required from him.

10. The violation of any of the provisions of this Act shall be an offence for which the offender shall be liable on summary conviction to a penalty not exceeding \$25 and costs, and in default of payment thereof it shall be lawful for a justice or justices of the peace or police magistrate so convicting them or any one of them to commit the offender to the nearest common gaol, with or without hard labour, for a period not exceeding thirty days, unless the said penalty be sooner paid.

11. All fines imposed for the violation of this Act shall be paid over to the general revenue fund of the province.

12. The provisions of chapter 60 of the Consolidated Ordinances of the North-West Territories, 1898, as amended by chapter 11 of the Ordinances of the North-West Territories, 1899, are hereby repealed.

SCHEDULE.

FORM A.

GOVERNMENT OF THE PROVINCE OF ALBERTA.
DEPARTMENT OF AGRICULTURE.

REGISTRATION CERTIFICATE OF THRESHING MACHINE,
No.

This is to certify that of
has duly registered his threshing machine in accordance with the provisions
of section 2 of *The Threshers Lien Act*.

Dated at Edmonton, Alberta, this day of
19.....

.....
Minister of Agriculture.

FORM B.

CERTIFICATE OF TRANSFER.

I hereby certify that this certificate is this day transferred from
..... of
to of

Dated at Edmonton, Alberta, this day of
19.....

.....
Minister of Agriculture.

1913

(SECOND SESSION)

CHAPTER 27.

An Act for Restraining Dangerous and Mischievous Animals.

(Assented to October 25, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*An Act for Restraining Dangerous and Mischievous Animals.*"

2. On information made on oath before a justice of the peace that the accused owns or has in his possession any cross or dangerous or notoriously breachy or mischievous animal or animals, and that said animal or animals are not confined or restrained in such a manner as to protect the public from injury or loss, such justice may, when the owner of such animal or animals is known, issue a summons directed to such person or persons stating the matter of complaint and requiring such accused person or persons to appear before him at a certain time and place therein stated to answer such complaint, and upon conviction on the evidence of two credible witnesses other than the complainant the justice may make an order, with or without costs, requiring the accused to confine or restrain such animal or animals in such manner as to the justice may appear necessary.

3. Upon default of compliance with such order the justice may, on summary conviction, impose a fine upon such owner or possessor of said animal or animals not exceeding \$50.00 and costs for each offence, and in default of payment thereof commit the offender to the nearest common gaol, with or without hard labour, for a period not exceeding 30 days, unless such penalty be sooner paid.

4. When the owner is not known and no one claims possession of said animal or animals the justice may upon hearing the evidence of two credible witnesses, other than the complainant, make an order authorizing the complainant to deal with said animal or animals as under *The Stray Animals Ordinance* where the owner is not known.

5. Where it is shown to the satisfaction of the Minister of Agriculture that horses or cattle having escaped and become wild are doing damage to settlers' crops and stock or endangering life, he may appoint a suitable person to capture, confine or otherwise take the said animals in charge and provide for their disposal.

6. Any sheep or hog which breaks through or under any fence shall be deemed to be a "notoriously breachy" animal within the meaning of this Act. 1915, c. 2, s. 19.

CHAPTER 28.

An Act relating to Liens of Woodmen for Services.

(Assented to October 22, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Short title	1. This Act may be cited as " <i>The Woodman's Lien Act.</i> "
Interpretation	2. In this Act, unless the context otherwise requires—
Logs and timber	(a) The expression "logs and timber" means and includes logs; timber, poles, ties, bolts, staves, posts, tanbark and wood;
Labour, service or services	(b) The expression "labour, service or services" means and includes cutting, skidding, felling, hauling, scaling, banking, driving, running, rafting or booming any logs or timber, and any work done by cooks, blacksmiths, artisans and others usually employed in connection therewith whether performed by wage-earners or others;
Person in section 3	(c) The expression "person" in the third section of this Act shall be interpreted to include clerks, timekeepers, storekeepers, cooks, blacksmiths, artisans and all others usually employed in connection with such labour, service or services;
Judge	(d) The expression "judge" means a judge of any of the District Courts in this province, or any deputy lawfully acting for him or any judge of the Supreme Court.

HOW LIEN ARISES AND WHEN SAME ATTACHES.

Lien	3. Any person performing any labour, service or services in connection with any logs or timber within this province shall have a lien thereon and upon any logs or timber belonging to the same owner with which any such logs or timber or any portion thereof may have become mixed for the amount due, for such labour, service or services and the same shall be deemed a first lien or charge on such logs or timber, and shall have precedence of all other claims or liens thereon, except any lien or claim which the Crown may have upon such logs or timber for or in respect of any dues or charges and no contract hereinbefore or hereafter entered into shall deprive such person of such lien.
Lien to attach when statement filed in office of District Court clerk	4. The lien provided for in the last preceding section shall not remain a charge on the logs or timber, unless a statement thereof in writing verified upon oath by the person claiming such lien, or some one duly authorized on his behalf, and bearing indorse thereon the name and address of the claimant or his solicitor shall be filed in the office of the clerk of the District Court or of

the Supreme Court (according to the amount of the claim) of the judicial district in which the labour or services or some part thereof has been performed:

Provided that, when such labour or services have been performed upon any logs or timber got out to be run down or run down any of the rivers or streams, within or partly within the Province of Alberta, such statement may, at the option of the claimant, be filed in the office of the clerk of the District Court or of the Supreme Court of the judicial district wherein the drive terminates or reaches its destination. Proviso

5. Such statement shall set out briefly the nature of the debt, demand or claim, the amount due to the claimant, as near as may be, over and above all legal set-offs or counter-claims and a description of the logs or timber upon or against which the lien is claimed, and may be in the form set out in schedule A to this Act or to the like effect. Contents of statement of lien

6. If such labour, service or services be performed between the first day of October and the first day of June next thereafter, the statement of claim shall be filed on or before the thirtieth day of said month of June, but if such labour or services be done or performed on or after the first day of June and before the first day of October in any year, then such statement shall be filed within thirty days after the last day such labour, service or services were performed: When statement to be filed

Provided that no mortgage, sale or transfer of the logs or timber upon which a lien is claimed under this Act during the time limited for the filing of such statement of claim and previous to the filing thereof, or after the filing thereof and during the time limited for the enforcement thereof, shall in anywise affect such lien, but such lien shall remain and be in force against such logs or timber, no matter in whose possession the same shall be found. Proviso

ENFORCEMENT OF LIEN.

7. Any person or persons having a lien upon or against any logs or timber under this Act may enforce the same by the regular practice and procedure of the courts according to the amount of the claim either in the District Court, or in the Supreme Court in the district within whose jurisdiction the said logs or timber, or any part thereof, may be situated at the time of the commencement of the suit; and such suit may be commenced to enforce such liens, if the same be due, immediately after the filing of such statement, or if credit has been given, immediately after the expiry of the period of credit, and such lien shall cease to be lien upon the property named in such statement, unless the proceedings to enforce the same be commenced within thirty days after the filing of the statement of claim or within thirty days of the expiry of the period of credit. In all such suits the person, company or corporation liable for the payment of such debt or claim shall be made the party defendant. Enforcement of lien

8. In any case, whether commenced by writ of summons or attachment, the judge may order that the same shall be disposed of as cases. Summary disposal of cases

posed of summarily in chambers, upon such terms as to notice and otherwise as the order shall provide, and the same may be so heard and disposed of.

Chamber
application
to set aside
attachment
or seizure

9. The judge may also entertain in chambers any application to set aside an attachment or seizure or to release logs or timber that have been seized, and may summarily dispose of the same.

When
attachment
to issue

10. When the amount of any claim filed as aforesaid is not less than ten dollars, upon the production and filing of a copy of said claim and affidavit, and of an affidavit made and sworn by the claimant as to the correctness of the amount of the claim due and owing, and showing that the same has been filed as aforesaid, and stating that—

(a) He has good reason to believe and does believe that the logs or timber are about to be removed out of the Province of Alberta; or

(b) That the person indebted for the amount of such lien has absconded from the province with the intent to defraud or defeat his creditors; or

(c) That the logs or timber are about to be cut into lumber or other timber, so that the same cannot be identified;

(d) And that he is in danger of losing his said claim if an attachment do not issue; and

Issue of writ

(e) If an affidavit corroborating the affidavit of the plaintiff in respect of subsections (a), (b), or (c) of this section be also filed, then the clerk of the proper court within whose jurisdiction the logs or timber are shall issue a writ of attachment, directed to the sheriff or bailiff of such court, commanding such sheriff or bailiff to attach, seize, take and safely keep such logs or timber, or a sufficient portion thereof to secure the sum mentioned in the said writ, and the costs of the suit and of the proceedings to enforce the lien, and to return the writ forthwith to the court out of which the same issued.

Second seizure

11. Where additional claims are made or the amount of a claim is increased or a sufficient seizure has not been made, a second or subsequent seizure may be made either under execution or attachment.

Service of
writ of
attachment

12. The said writ of attachment shall also, where no writ of summons has issued, summon the defendant to enter an appearance in the court out of which the attachment has issued, and a copy of the writ of attachment shall be served upon the defendant, and if the defendant in such attachment is not the owner of the logs or timber described in the writ of attachment then a copy of the writ shall also be served upon the owner of the said logs or timber, or upon the agent or person in whose possession, custody or control they may be found for him. The owner may on his own application or by direction of a judge, be made a party defendant at the trial.

Orders
allowing
defendant or
owner to
defend

13. Where the service has not been personal upon either the defendant or owner, and where a proper defence has not been filed, the judge may in his discretion admit them or either

of them to make full defence and may make such order as to service and otherwise in the premises as may be reasonable and just to all parties.

14. No sheriff or bailiff shall seize upon or detain any logs or timber under the provisions of this Act when in transit by water from the place where cut to the place of destination. Logs not to be seized in transit by water

15. In case of an attachment, if the owner of said logs or timber, or any other person in his behalf, shall execute and file with the clerk of the court out of which the attachment has issued a good and sufficient bond to the person claiming the lien, executed by two sureties and approved by the said clerk and conditioned for the payment of all damages, costs, charges, disbursements and expenses that may be recovered by the claimant in such proceedings, together with the amount for which a lien is claimed in any other suit, if any, the clerk shall issue an order to the sheriff or bailiff having in charge the logs or timber directing their release, and upon service of such order upon the bailiff, he shall release the same. Possession to be restored upon execution of bond

16. Any person who shall have been served with a copy of the writ of attachment under this Act, and who may desire to dispute the same, shall, within ten days after such service, file in the court in which proceedings are pending a statement of defence. Notice of dispute

17. If no statement of defence is filed under the last preceding section, judgment may be entered as in the case of default, and the practice or procedure may be the same as in a suit begun by writ of summons. Judgment by default

18. The defendant may, at any time after service of the writ of attachment and before the sale of the logs or timber, pay into court the amount for which a lien is claimed in the suit, together with the amount for which a lien is claimed in any other suit (if any), and together with costs of the proceedings thereon to the date of such payment taxed by the clerk of the court if so required, and the person making such payment shall thereupon be entitled to a certificate vacating such lien; and upon said certificate being filed with the clerk of the court in which the original statement of claim was filed the said lien shall be vacated and all further proceedings thereon shall cease and the person making such payment shall further be entitled to an order directing the delivery up of the logs or timber seized under the attachment and the cancellation of any bond given under the eighteenth section of this Act. Payment into court

19. In any case commenced by writ of attachment, after the expiration of the time hereinbefore named within which a statement of defence may be filed and provided a statement of defence has been filed, the judge shall, in chambers as provided by section 11 of this Act, or at the next sitting of the court after due notice has been given to all parties to the suit and to all persons claiming liens on the logs or timber and whose liens are duly filed as aforesaid, or to their solicitors, hear all such parties and claimants, and take all accounts necessary to deter-

mine the amounts, if any, due to them or any of them or to any other holders of liens who may be called by the judge to prove their liens, and shall fix or cause to be taxed by the clerk their costs and determine by whom the same shall be payable and settle their priorities and generally determine all such matters as may be necessary for the adjustment of the rights of the several parties.

Judge's
report and
order for
payment

20. At the conclusion of the inquiry the judge shall make his report and order, which shall state his findings and direct the payment into the court in which proceedings are pending of the amounts, if any, so found due and costs, within eight days thereafter, and, in default of such payment that the logs or timber shall be sold by the sheriff or bailiff for the satisfaction of the amounts found due to the several parties upon the inquiry and costs.

Time of sale

21. In default of payment into court under the last preceding section within the said eight days the said logs or timber shall within twenty days thereafter be sold by the sheriff or bailiff, in the same manner and subject to the same provisions of law as goods and chattels seized or taken in execution, unless the judge shall direct that additional publicity be given to the sale; and the amount realized by such sale shall, after deducting the expenses thereof payable to the sheriff or bailiff, be paid into the court in which the proceedings are pending, and shall upon the application of the several parties found to be entitled thereto under the order of the judge, be paid out to them by the clerk of the said court:

Money
realized to be
paid into
court

Apportionment
where sum
realized
insufficient to
pay all claims

Provided that where the amount realized upon the sale shall not be sufficient to pay the claims in full and costs, the judge shall apportion the amount realized *pro rata* among the different claimants.

Judgment and
execution for
balance
remaining
unpaid

22. If, after such sale and distribution of the proceeds thereof under the preceding section, any balance shall remain due to any person under the said order of the judge, the clerk of the court shall upon the application of such person give to him a certificate that such amount remains due, which certificate may be entered as a judgment in the court having jurisdiction, against the person or persons by whom the claim was directed to be paid, and execution may be issued thereupon as in the case of other judgments in the courts.

Discharge
if liens where
claims
unfounded

23. Where nothing shall be found due upon the several claims filed under this Act or upon the lien or liens in respect to which proceedings have been taken, the judge may direct by his said order that the lien or liens be discharged and the logs or timber released or the security given therefor be delivered up and cancelled, and shall also by such order direct payment forthwith of any costs which may be found due to the defendant or owner of the said logs or timber.

Disposition
of balance of
money paid
into court

24. Where more money shall be paid into court as the proceeds of the sale of logs or timber than shall be required to satisfy the lien which shall have been proven and the interest and costs, the remaining moneys shall be paid over to the party entitled to the same unless the judge otherwise orders.

25. Any person affected by the proceedings taken under this Act may apply to the judge to dismiss the same for want of prosecution, and the judge may make such order upon the application as to costs or otherwise as may be just. Dismissal for want of prosecution

26. The judge may at any stage of such proceedings on application of any party, or as he may see fit, order that any person who may be deemed a necessary party to any such proceedings be added as a party thereto or be served with any process or notice provided for by this Act, and the judge may make such order as to the costs of adding such person or corporation or as to such service as may be just. Adding parties

27. Nothing in this Act contained shall be deemed to dis-entitle any person to any other remedy than that afforded by this Act for the recovery of any amount due in respect of labour, service or services performed upon or in connection with any logs or timber; and where a suit is brought to enforce a lien, but no lien shall be found to exist, judgment may be directed for the amount found due as in an ordinary case. Other remedies preserved

28. Any number of lienholders may join whether by writ of attachment or otherwise in taking proceedings under this Act, or may assign their claims to any one or more persons but the statement of claim shall include particular statements of the several claims of persons so joining. Joinder of lienholders

29. The practice and procedure of the District Courts and of the Supreme Court (according to the amount of the claim) shall be followed as nearly as may be, as also the tariff of costs of the said courts.

SCHEDULE.

The following is the Schedule referred to in this Act:

SCHEDULE A.

(Sections 4 and 5.)

STATEMENT OF CLAIM OF LIEN.

"A.B. (name of claimant), of (here state residence of claimant), (if so) as assignee of (state name and address of assignor) under The Woodman's Lien Act, claims a lien upon certain logs or timber, the property of (here state the name and residence of the owner of logs or timber upon which the lien is claimed if known) and which logs and timber are composed of (state the kinds of logs or timber such as spruce, tamarac, cedar, or other logs, ties, poles, posts, etc., also where situate at the time of filing of statement) in respect of the following work, that is to say (here give a short description of the work done for which the lien is claimed), which work was done for (here state the name and residence of the person upon whose credit the work was done) between the..... day of..... and the..... day of..... at (per day, month or quantity).

The amount claimed as due (or to become due) is the sum of..... (when credit has been given) the said work was done on credit, and the period of credit will expire on the..... day of..... A.D. 19.....

(Signature of Claimant.)

AFFIDAVIT TO BE ATTACHED TO STATEMENT OF CLAIM.

Affidavit
proving
claim

I....., make oath and say that I have read
(or have heard read) the foregoing statement of claim, and I say that the facts
therein set forth are to the best of my knowledge and belief true, and the
amount claimed to be due to me in respect of my lien is due and owing to
me after giving credit for all the sums of money, goods or merchandise to
which the said (*naming the debtor*) is entitled to credit as against me.

Sworn before me at.....in the.....
of.....this.....day of.....
A.D. 19.....

.....
(Signature of Claimant.)
.....

A Commissioner, etc.

1913

(SECOND SESSION)

CHAPTER 29.

An Act for Raising Money on the Credit of the General Revenue Fund of Alberta.

(Assented to October 22, 1913.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. It shall be lawful for the Lieutenant Governor in Council, from time to time, to authorize the Provincial Treasurer to raise, by way of a loan, upon the credit of the province, such sum or sums of money, not to exceed in the whole Three million six hundred thousand dollars, for all or any of the purposes following, that is to say:

- (a) For the extension of the Provincial Telephone System, One million dollars;
- (b) For loans to the Alberta Farmers Co-operative Elevator Company, Limited, One million dollars;
- (c) For the carrying on of Public Works authorized by the Legislature, One million six hundred thousand dollars.

(2) The aforesaid sums of money may be borrowed for any term or terms, not exceeding fifty years, at a rate not exceeding four and one-half per cent. per annum, and shall be raised upon the credit of the General Revenue Fund of the Province of Alberta and shall be chargeable thereon.

NOTE.—Chapters 30 to 66 both inclusive are Private Acts.

1914

CHAPTER 1.

An Act for Granting to His Majesty Certain Sums of Money for the Public Service of the Fiscal Years ending respectively the Thirty-first day of December, 1913, the Thirty-first day of December, 1914, and the Thirty-first day of December, 1915.

(Assented to October 22, 1914.)

Most Gracious Sovereign:

WHEREAS it appears by Messages from His Honour George Hedley Vicars Bulyea, Lieutenant Governor of the Province of Alberta, and the Estimates accompanying the said Messages, that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Alberta not otherwise provided for during the financial periods ending respectively the thirty-first day of December, one thousand nine hundred and thirteen, the thirty-first day of December, one thousand nine hundred and fourteen, and the thirty-first day of December, one thousand nine hundred and fifteen, and for other purposes relating thereto: May it therefore please Your Majesty that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, as follows:

1. This Act may be cited as "*The Appropriation Act, 1914.*"
2. From and out of the General Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred and thirty-nine thousand three hundred and twenty-six dollars and thirty-four cents towards defraying the several charges and expenses of the Public Service from the first day of January to the thirty-first day of December, in the year of our Lord one thousand nine hundred and thirteen, not otherwise provided for and set forth in schedule A to this Act.
3. From and out of the General Revenue Fund there may be paid and applied a sum not exceeding in the whole five hundred and fourteen thousand nine hundred and eighty-three dollars and no cents towards defraying the several charges and expenses of the Public Service from the first day of January to the thirty-first day of December, in the year of our Lord one thousand nine hundred and fourteen, not otherwise provided for and set forth in schedule B to this Act.
4. From and out of the General Revenue Fund there may be paid and applied a sum not exceeding in the whole seven million seven hundred and seventy-five thousand and ninety-five dollars and no cents towards defraying the several charges

and expenses of the Public Service from the first day of January to the thirty-first day of December in the year of our Lord one thousand nine hundred and fifteen, not otherwise provided for and set forth in schedule C to this Act.

5. The due application of all moneys expended under this Act shall be accounted for.

SCHEDULE A.

Sums granted to His Majesty by this Act for the fiscal year ending December 31, 1913, and the purposes for which they are granted.

PUBLIC DEBT.....	\$11,582.38	
CIVIL GOVERNMENT—		
Attorney General's Department.....	4,709.69	
TELEPHONES—		
Chargeable to Income.....	65,788.96	
Chargeable to Capital.....		\$57,245.31
	<u>\$82,081.03</u>	<u>\$57,245.31</u>

SCHEDULE B.

Sums granted to His Majesty by this Act for the fiscal year ending December 31, 1914, and the purposes for which they are granted.

CIVIL GOVERNMENT—		
Executive Council.....	\$ 1,500.00	
Attorney General's Department.....	2,640.00	
Provincial Secretary's Department.....	2,500.00	
Education Department.....	10,000.00	
Agriculture Department.....	1,500.00	
Government Printer.....	1,300.00	
	<u>\$19,440.00</u>	
LEGISLATION—		
To provide for Sessional Indemnity for Member for Peace River for portion of Second Session of 1913	\$1,000.00	
To provide for Sessional Indemnity for the late Member for Wetaskiwin for Session of 1914.....	1,500.00	
	<u>\$ 2,500.00</u>	
ADMINISTRATION OF JUSTICE.....	94,320.00	
EDUCATION.....	58,723.00	
MISCELLANEOUS (Capital).....		\$340,000.00
	<u>\$174,983.00</u>	<u>\$340,000.00</u>

SCHEDULE C.

Sums granted to His Majesty by this Act for the fiscal year ending December 31, 1915, and the purposes for which they are granted.

I.	
PUBLIC DEBT.....	\$725,000.00
II.	
CIVIL GOVERNMENT—	
Lieutenant Governor's Office.....	\$ 2,700.00
Executive Council.....	71,500.00
Attorney General's Department.....	45,000.00

Provincial Secretary's Department.....	\$26,020.00	
Municipal Affairs Department.....	65,040.00	
Treasury Department.....	33,820.00	
Auditor's Office.....	27,840.00	
Public Works Department.....	80,580.00	
Education Department.....	62,840.00	
Agriculture Department.....	51,080.00	
Railways and Telephones Department.....	13,740.00	
Government Printer.....	14,740.00	
	<u>\$494,900.00</u>	
III.		
LEGISLATION.....	120,525.00	
IV.		
ADMINISTRATION OF JUSTICE.....	792,130.00	
V.		
PUBLIC WORKS—		
Chargeable to Income.....	593,520.00	
Chargeable to Capital.....		\$1,385,000.00
VI.		
EDUCATION—		
Chargeable to Income.....	814,370.00	
Chargeable to Capital.....		75,000.00
VII.		
AGRICULTURE AND STATISTICS—		
Chargeable to Income.....	528,000.00	
Chargeable to Capital.....		212,500.00
VIII.		
HOSPITALS, CHARITIES AND PUBLIC HEALTH.....	127,000.00	
IX.		
TELEPHONES—		
Chargeable to Income.....	900,000.00	
Chargeable to Capital.....		700,000.00
X.		
PUBLIC INSTITUTIONS.....	257,000.00	
XI.		
MUNICIPAL AFFAIRS DEPARTMENT.....	11,650.00	
XII.		
MISCELLANEOUS.....	38,500.00	
	<u>\$5,402,595.00</u>	<u>\$2,372,500.00</u>

1914

CHAPTER 2.

An Act to amend the Statute Law.

(Consolidated in the various Acts.)

1914

CHAPTER 3.

An Act respecting the Taxation of Wild Lands.

(Assented to October 22, 1914.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Wild Lands Tax Act.*"

TAX: HOW AND WHEN PAYABLE.

Wild Lands Tax

2. For the purpose of adding to or supplementing the revenues of the Crown a tax at the rate of one per cent. of the assessed value to be called a Wild Lands Tax shall be annually assessed, levied and collected on all land within the province subject to taxation under this Act; provided, however, that in the event of the tax payable on any lot or fraction of a section of land under this section for the purposes of this Act being less than \$1.00, the tax to be entered on the roll as payable for such purposes would be \$1.00.

Exemptions

3. The lands exempt from taxation under the provisions of this Act shall be—

1. Any land held in trust for the Crown;
2. Land specially exempted by law or held for the public use of the Province of Alberta;
3. All lands held by or in trust for the use of any tribe of Indians;
4. The land to the extent of three acres held by or for the use of any church and occupied by a building used for church purposes;
5. The land in use as a public cemetery not exceeding twenty-five acres;
6. Land for which homestead entry has been made under the provisions of *The Dominion Lands Act* or of any Act substituted therefor and for which patent has not been issued;
7. All land held under grazing lease from the Government of Canada actually used for grazing purposes, and in accordance with the terms and provisions of the Grazing Regulations as from time to time in force;
8. Land vested in any library board established under the provisions of *The Public Libraries Act*, being chapter 17 of the Statutes of Alberta, 1907, or any Act passed in amendment or substitution thereof;
9. Land used by agricultural societies organized under *The Agricultural Societies Ordinance*, or any Act passed in amendment or substitution thereof;

10. Land attached to and used in connection with any hospital which receives aid from the province under the provisions of *The Hospital Ordinance* or any Act passed in amendment or substitution thereof;

11. All land belonging to any city, town, village or rural municipality and used for the purposes thereof;

12. Land attached to or otherwise *bona fide* used in connection with or for the purposes of every university, every school established under the authority of *The School Ordinance*, and every incorporated hospital, so long as the said land is actually used and occupied by such institution, but not if otherwise occupied;

13. Land held by the province under reservation for public purposes;

14. A fractional section of land less than one acre in extent or any lot described upon a registered plan being less than one acre in extent;

15. Land included within the boundaries of an incorporated city, town or village;

16. All enclosed land which has been used for the purpose of pasturing horses, cattle or sheep which are the property of the owner of the land and upon which horses or cattle to the number of at least one or sheep to the number of at least three for every ten acres so enclosed have been pasturing for six months during the previous year; provided that the Minister of Municipal Affairs may by written order modify the requirements of this subsection for any given year or years and for any section or sections of the province;

17. Land owned by a *bona fide* farmer who is actually residing on some portion of same; provided that the exemption under this clause shall not exceed 640 acres in the aggregate; such exemption, however, may cover parcels of land which are not contiguous but which are situated within a radius of nine miles from the home of the owner;

18. The land of any owner where each section or portion thereof has had one-fourth of its area under cultivation or crop during the previous year; provided that where the owner has several portions of land within a radius of nine miles and in the same assessment district the area under cultivation or crop may be on any portion.

ASSESSMENT DISTRICTS.

4. For the purposes of this Act, the Lieutenant Governor in Council shall have power to divide the province into assessment districts and to define the boundaries thereof, and from time to time alter the boundaries of any district and create new districts. Assessment districts

5. The Lieutenant Governor in Council shall from time to time appoint in and for each district persons to act as assessor or assessors, collector or collectors, and to prescribe regulations for governing them in the performance of their duties and likewise to appoint the portion or portions of any district within which any such assessor or collector shall act. Assessors and collectors
Appointment of assessors and collectors

6. Every assessor or collector before entering on the duties of his office shall enter into a bond for the faithful performance of his duties. Bonds

Bonds:
how given

7. Such bonds shall be given by the officer in such sum and such manner as the Lieutenant Governor in Council shall require in that behalf.

ASSESSMENT AND TAXATION.

Assessment:
how made.

8. All taxes under this Act shall be levied equally upon all rateable land according to the assessed value of such land and it shall be the duty of the assessor to make the assessment of such land as hereinafter provided.

Assessment
to be made
prior to 1st
July in each
year

9. As soon as may be in each year but not later than the first day of July the assessor shall assess every person the owner of land in the assessment district and shall prepare an assessment roll in which shall be set out as accurately as may be—

(a) The name of the owner of every lot or parcel of land in the assessment district, which is liable to assessment, and the post office address if known of every such owner.

(b) A brief description of each such lot or parcel of land, the number of acres which it contains and the assessed value thereof.

(2) Such assessment roll shall be as in the form following or to the like effect or in such form as may be prescribed from time to time by the Minister of Municipal Affairs.

No.		
Land Assessed	Pt. of Sec.	
	S	
	T	
	R	
	M	
No of Acres		
Assessed Value of Land		
Name of Owner		
P. O. Address of Owner		
Date of Mailing Notice		
Initials of Assessor		
Rate of Taxation		
Total Rate		
Total Tax for Current Year		
Arrears		
Total		
Date of Tax Notice		
Initials		
Amount Paid		
Receipt No.		

10. Land shall be assessed at its actual cash value as it would be appraised in payment of a just debt from a solvent debtor, exclusive of the value of any buildings erected thereon or of any other increase in value caused by any other expenditure of labour or capital thereon. Mode of assessment

Information
for assessor

11. It shall be the duty of every person whose land is assessable to give the assessor all information necessary to enable him to make up the roll; but no statement made by any such person shall bind the assessor or shall excuse him from making inquiry as to its correctness.

Penalty

(2) Any person who refuses upon demand to give such information to the assessor or wilfully furnishes to the assessor false information shall be liable on summary conviction to a penalty not exceeding \$10.

Where owner
is unknown

12. If the assessor does not know and cannot after reasonable inquiry ascertain the name of the owner of any unoccupied lot or parcel of land in the assessment district the same shall be deemed to be duly assessed if entered on the roll with a note stating that such owner is unknown.

Fraudulent
assessment

13. If any assessor makes fraudulent assessment or wilfully or fraudulently inserts in the assessment roll the name of any person who should not be entered therein or wilfully or fraudulently omits the name of any person who should be inserted therein or wilfully neglects any duty required of him by this Act he shall be liable to a penalty not exceeding \$100.

Mailing of
notice

14. Upon the completion of the assessment roll as provided in section 9 hereof the assessor shall forthwith mail to each person whose name and address appear on the roll a notice of his assessment and the entry of the date of the mailing of such notice followed by the initials of the assessor shall be *prima facie* evidence of the mailing of such notice on the date entered without proof of the appointment or signature of the assessor and the absence of such date and initials shall be *prima facie* evidence that the person's address is unknown.

(2) When all of the said notices are mailed as herein provided the assessor shall forthwith transmit the said roll to the Minister of Municipal Affairs.

Posting
of notice

15. The assessor shall also within two weeks after the completion of the said roll post up a notice in the following form:

"The Assessment District.....No.....
.....Assessment Roll, 19....

Form

"Notice is hereby given that the assessment roll of the Assessment District No.....for the year 19.....has been prepared and is now open to inspection at the office of the assessor from ten o'clock in the forenoon until four o'clock in the afternoon on every day not a public holiday except Saturday (and on that day from ten o'clock in the forenoon until two o'clock in the afternoon) and that any ratepayer who desires to object to the assessment of himself or of any other person must within twenty days after the date of this notice lodge his complaint in writing with the Minister of Municipal Affairs.

"Dated this.....day of.....19....
A.B., Assessor."

Notice of
assessment

16. Every notice of assessment given as provided by section 14 hereof shall be in such form as may be prescribed from time to time by the Minister of Municipal Affairs; and every such

notice shall contain a statement of the last date upon which complaints may be lodged with the Minister of Municipal Affairs of the municipality as fixed by the public notice under section 15 hereof.

17. No assessment shall be invalidated by reason of any error, ^{Error in form of assessment notice} omission or misdescription in any assessment notice or by reason of the nonreceipt of such notice by the person to whom it was addressed.

18. If any person thinks that he or any other person has ^{Complaints against assessment} been wrongly assessed or assessed too high or too low or that his name or the name of any other person has been wrongly inserted in or omitted from the roll he may within the time limited as aforesaid lodge a complaint with the Minister of Municipal Affairs and every such complaint shall contain a post office address to which any notice required may be sent to the complainant.

19. Every such complaint shall be in the following form: ^{Form of notice of appeal}
 "To the Minister of Municipal Affairs:
 "Sir,—I hereby appeal against assessment (or nonassessment) of.....on the following grounds (*here state grounds of appeal*).

"Dated this.....day of.....19..

C.D.,

Appellant."

20. The Minister of Municipal Affairs may at any time correct ^{Correction of errors} any gross and palpable errors in the roll and any corrections so made shall be initialled by him.

APPEAL.

21. The roll with any amendments made as aforesaid shall be the assessment roll of the assessment district, provided that there shall be a right of appeal to the Minister of Municipal Affairs, and all such appeals shall be decided and adjudged by him or by such other person or persons as may from time to time be appointed by the Lieutenant Governor in Council and every such decision shall be final and conclusive in every case adjudicated upon.

TAXATION.

22. After the time for hearing appeals has elapsed the Minister ^{Tax roll} of Municipal Affairs shall enter in the assessment roll for the year in the several columns provided for the purpose as shown in the form contained in section 9 hereof a statement of all taxes levied against each lot or parcel of land assessed as shown by the said roll and every such statement when completed shall show—

(a) The rate on the dollar levied;

(b) The sum total of the rates levied against each lot or parcel of land;

(c) The total taxes due for the current year on each lot or parcel of land;

(d) The arrears of taxes levied under any authority due on each lot or parcel of land;

(e) The sum total of all taxes due on each lot or parcel of land.

Mailing tax
notice

23. The Minister of Municipal Affairs shall mail to each person whose name appears on the assessment roll and to the address shown therein notice of the amount of taxes due by such person in respect of the land for which he is assessed ; and the entry of the date of mailing each such notice followed by the initials of the person mailing the same on the roll shall be *prima facie* evidence of the mailing of the notice on the date entered without proof of the appointment or signature and the absence of any entry of such date and initials shall be *prima facie* evidence that the person's address is unknown.

(2) Every such notice shall show the property assessed, the rate of taxation for the current year as hereinbefore mentioned, the total taxes levied for the current year, the arrears of taxes and the total taxes due and shall be in such form as may from time to time be approved by the Minister of Municipal Affairs.

Taxes when
due

24. All taxes levied under the provisions of this Act, except as otherwise provided, shall be deemed to be due on the first day of January in the year in which they are imposed and shall be payable at the office of the Minister of Municipal Affairs.

Taxes a lien
on land

25. The taxes accruing upon or in respect of any land not exempt from taxation shall be a special lien upon such land having priority over any claim, lien, privilege or encumbrance thereon except claims of the Crown.

Penalty for
nonpayment
of taxes

26. In the event of any taxes remaining unpaid after the thirty-first day of December of the year for which the same are levied there shall be added thereto by way of penalty a sum equal to five per centum of the amount of taxes remaining unpaid and in the event of any taxes or any part thereof remaining unpaid on the first day of July next following there shall be added thereto by way of penalty an additional sum equal to five per centum of the amount of such taxes at that date remaining unpaid and the same additional sum shall be added thereto in the same manner upon any taxes remaining unpaid half-yearly upon the first days of January and July in each year following; and such amount or amounts so added shall form a part of the taxes which by section 25 hereof are created a special lien upon the land; nothing in this section contained shall be construed to extend the time for payment of the said taxes nor in any way to impair the right of distress or any other remedy provided by this Act for the collection of the said taxes.

Arrears
first charge
on tax
payment

27. In case any person only pays a portion of the taxes due by him such taxes are to be applied by the Minister of Municipal Affairs in payment of any arrears due by such person and the remainder of the taxes so paid, if any, shall be applied in payment of the taxes levied for the current year.

Distress
for taxes

28. In case any person fails to pay the taxes assessed against him within thirty days from the mailing of the tax notice pro-

vided by section 23 hereof the Minister of Municipal Affairs may by himself or his agent levy the same with costs by distress in the same manner as the landlord may recover rent in arrears—

1. Upon the goods or chattels belonging to or in the possession of the owner of the land whose name appears on the roll and who is hereinafter called "the person taxed"; or

2. Upon the interest of the person taxed in any goods found on the land including his interest in any goods to the possession of which he is entitled under a contract for purchase or under a contract by which he may become the owner thereof upon performance of any condition; or

3. Upon any goods or chattels of the owner of the land although the name of such owner does not appear upon the roll; or

4. Upon any goods and chattels on the land where the title to such goods and chattels is claimed in any of the ways following:

- (a) By virtue of an execution against the person taxed or against the owner though his name does not appear on the roll; or
- (b) By purchase, gift, transfer or assignment from the person taxed or from such owner whether absolute or in trust or by way of mortgage or otherwise; or
- (c) By the wife, husband, daughter, son, daughter-in-law, or son-in-law of the person taxed or of such owner or by any relative of his in case such relative live on the land as a member of the family; or
- (d) By virtue of any assignment or transfer made for the purpose of defeating distress.

29. Any taxes or arrears of taxes due may be recovered by suit in the name of the Minister of Municipal Affairs as a debt due to the Crown; in which case the assessment roll shall be *prima facie* evidence of the debt. Suit for taxes

(2) For the purposes of this section all taxes shall be deemed to be due on the day on which the tax notices provided by section 23 hereof were mailed as shown by the assessment roll.

FORFEITURE OF LAND FOR NON-PAYMENT OF TAXES.

30. The Minister of Municipal Affairs shall prepare a separate statement to be known as "The Tax Enforcement Return", and shall enter in such return the following information in the columns provided for the purpose: Tax enforcement return

1. The name and post office address of each person whose name appears in the last revised assessment roll and who has not paid all taxes due by him for the year next preceding the preparation of the said return or for any former year;

2. A description of each lot or parcel of land for which each such person is assessed and the value thereof;

3. A statement of the taxes due by each such person on each lot or parcel of land for which he is assessed including the taxes of the next preceding year and showing the years for which all such taxes were levied.

31. The said return shall for all purposes be *prima facie* evidence of the validity of the assessment and imposition of the Return to be prima facie evidence

taxes as shown therein and that all steps and formalities prescribed by this Act have been taken and observed.

Minister
to collect
arrears

32. The lands shown on the said return shall continue liable to assessment and taxation in the same manner as other lands under this Act unless and until they become vested in the Crown as hereinafter provided and the Minister of Municipal Affairs shall continue to collect arrears of taxes due as shown by the said return and all taxes accruing due after such date, including any penalties imposed under the provisions of section 26 hereof, and upon receipt of any such payment he shall enter in the return the amount paid followed by his initials and the date of payment.

Court of
confirmation
of the said
return

33. On the application of the Minister of Municipal Affairs or some solicitor authorized by him to the judge of the District Court within whose judicial district the land is wholly or partly situated such judge may appoint a time and place for the holding of a court of confirmation of the said return notice of which shall be published in every issue of *The Alberta Gazette* for two months and once each week for at least eight weeks in such newspaper published in the vicinity of the lands entered on the said return as shall be named by the judge.

(2) If portions of any land are situated in more than two judicial districts the judge of the District Court of any such judicial district shall have jurisdiction under the provisions of this section.

Notice of
confirmation
court

34. A notice of the time and place fixed for confirmation of such return shall be sent by registered mail by the Minister of Municipal Affairs at least sixty days prior to the time so fixed to each person who appears by the records of the land registration district within which the lands lie or by the said return to have any interest in the lands mentioned in the said return in respect of which confirmation is desired and whose post office address is shown by said records or return; and the entry against such lands in the said return of the date of mailing such notice together with the signature or initials of the Minister of Municipal Affairs shall without proof of the appointment or signature or initials of the Minister of Municipal Affairs be *prima facie* evidence that the required notice was duly mailed on the date so entered.

Payment of
arrears after
date fixed for
confirmation
of return

35. If after the date for confirmation has been fixed as provided in section 33 hereof any person interested in any parcel of land contained in the return presented to the judge for confirmation desires to pay the taxes due upon such land as shown by the said return such person may do so on condition that he pays in addition to the said taxes the sum of one dollar for each parcel of land for costs of application to the judge and advertising and postage in connection with such proceedings; and any sums so paid shall form part of the general revenue of the province.

Hearing of
application
for
confirmation
of return

36. At the time and place appointed as hereinbefore provided the judge shall hear the application and also any objecting parties and the evidence adduced before him under oath and thereupon adjudge and determine whether or not the taxes imposed respec-

tively upon each lot or parcel of land included in the tax enforcement return were either wholly or in part in default and report the adjudication to the Minister of Municipal Affairs and shall also confirm the said return as to those lands on which any taxes are determined to be in arrears naming the amounts of such arrears and adding thereto a reasonable amount for the expenses of advertising together with such sums as he may fix for costs of the application; and the effect of such adjudication when registered as hereinafter provided shall be to vest in the Crown the said lands freed from all liens, mortgages and encumbrances of every nature and kind whatsoever subject however to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by the payment to the Minister of Municipal Affairs of the amounts named, including expenses as aforesaid together with a redemption fee of five cents per acre for each and every acre in the parcel of land so redeemed and any taxes which may have accrued due on the said lands since the date of such adjudication including any penalties imposed under section 26 hereof; but no such redemption fee shall be less than \$1. Costs of redemption

(2) In the event of any person successfully opposing confirmation of the said return as to the land in which he is interested the judge may order an allowance to him as witness fees to be paid by the province. Successful opposition to confirmation

(3) A copy of such adjudication certified by the Minister of Municipal Affairs shall be forwarded by registered mail to the registrar of titles of the land registration district in which the lands named in the adjudication or any of them are situated; and it shall be the duty of the registrar to register the same against the lands therein named. Copy of adjudication to be registered

(4) A copy of such adjudication shall also be sent by registered mail to the persons to whom by section 34 hereof notice of the time and place fixed for confirmation of the return is required to be sent and such persons or any of them shall be entitled to redeem the lands as hereinafter provided. Copy of confirmation to be sent to all interested persons

(5) The Minister of Municipal Affairs shall after the expiration of ten months and before the expiration of eleven months from the date of such adjudication cause to be published in *The Alberta Gazette* and also in a newspaper published within the assessment district or, if there is no newspaper published within the assessment district, in the newspaper published nearest thereto, a notice stating that the land named therein has been forfeited for non-payment of taxes and stating the time at which the period of redemption provided by law will expire; and shall also not less than 60 days and not more than 90 days before the time at which the period of redemption provided by law shall expire, send a copy of such notice by registered mail to the persons to whom by section 34 hereof notice of the time and place fixed for confirmation of the return is required to be sent. Publication of notice of forfeiture

37. When the taxes on any parcel of land together with the expenses and redemption fee provided for in section 36 hereof have been paid to the Minister of Municipal Affairs within one year from the date of the said adjudication the Minister of Municipal Affairs shall issue to the person paying the taxes a certificate verified by an affidavit of attestation which certificate Payment of taxes to Minister after confirmation

shall on presentation to the registrar of the land registration district in which the lands named are situated be registered by him free of charge and the said certificate when so registered shall discharge and release the said land for the said adjudication and the effect thereof.

Issue of
certificate
of title

38. If after the expiration of one year from the date of the said adjudication the taxes which had accrued due to that date both before and after the date of adjudication together with any penalties imposed under the provisions of section 28 hereof and the expenses and redemption fee as provided in section 36 hereof have not been paid to the Minister of Municipal Affairs the registrar on the written application of the Minister of Municipal Affairs shall issue a certificate of title under the provisions of *The Land Titles Act* in favour of the Crown freed from all liens, mortgages and encumbrances of every nature and kind whatsoever.

COLLECTION AND DISBURSEMENT OF TAX.

Collection and
disbursement

39. The moneys levied under this Act shall when collected be paid over to the Provincial Treasurer at such time as shall be fixed by order of the Lieutenant Governor in Council; provided, however, that the expense incidental to the assessment and collection of the taxes hereunder shall be a first charge on the same.

Audit

40. The Lieutenant Governor in Council may appoint auditors and inspectors under this Act and may prescribe their duties and fix their remuneration.

41. If any act, matter or thing required by this Act to be made, performed or done by any person or officer appointed to carry out the provisions of this Act at or within a fixed time, cannot be or is not so made, performed or done, the Lieutenant Governor by order in council may appoint a further or other time for making, performing or doing the same whether the time within which the same ought to have been done has or has notapsed or expired.

(2) Any act, matter or thing made, performed or done within the time prescribed by such order in council shall be as valid as if it had been made, performed or done within the time fixed by or under this Act.

42. The Lieutenant Governor in Council may from time to time make such regulations and provide such forms not inconsistent with this Act as may be necessary or advisable for the efficient and equitable working of the same.

INTERPRETATION.

Interpretation

43. In this Act unless the context otherwise provides—

1. "Owner" means and includes any person who appears by the records of the land titles office for the land registration district in which such land is situated to have any right, title or interest in such land other than that of mortgagee or encumbrancee; or who holds land under *bona fide* agreement of sale;

2. "Land," "lands," or "property" includes lands, tenements, hereditaments and any estate or interest therein; and for the purpose of assessment and of taxation only, "land" means land or any estate or interest therein exclusive of the value of the buildings or other improvements thereon;

3. "Person" includes corporation, partnership, firm or company;

4. "Assessor" means the assessor or other person appointed to make the assessment under this Act;

5. "Collector" means the collector or other person appointed to collect the tax imposed by this Act;

6. "Minister of Municipal Affairs" includes for the purposes of this Act the Deputy Minister of Municipal Affairs and any other person from time to time appointed by the Lieutenant Governor in Council to carry out their duties;

7. "Crop" for the purposes of this Act shall mean any grain or cereal or tame grass grown for hay growing on any lands.

CHAPTER 4.

An Act respecting Extra-Judicial and other Seizures.

(Assented to October 22, 1914.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. Every distress or seizure under the authority of any lease, attornment clause in any real estate mortgage or agreement of sale relating to either insurance premium, interest, principal or instalment of principal, any agreement of sale, conditional sale, chattel mortgage, bill of sale, lien note, hire receipt, warehouse receipt, bill of lading, or any other extra-judicial process whatsoever (not being a distress for taxes) shall be made, levied, executed and carried into effect by a sheriff, sheriff's bailiff or other person authorized by a sheriff, an assistant sheriff or a deputy sheriff, in writing, and by no other person whatsoever, and such officer shall be entitled to charge and receive therefor the costs and charges set out in the schedule to this Act.

2. Any person, firm, corporation or officer or agent of any firm or corporation other than the persons authorized under section 1 of this Act who shall make any distress or seizure under the authority of said section 1 or who shall do any act, matter or thing whatsoever in the course of such seizure or for carrying the same into effect or shall have, take or receive the goods and chattels of any person, firm or corporation, or the proceeds thereof under threats of seizure or sale, shall be guilty of an offence and on summary conviction thereof shall be liable—

In the case of any person or officer of a corporation, for a first offence to a penalty of not more than \$200.00 and costs, and in default of payment forthwith after conviction to not less than one nor more than six months' imprisonment with hard labour; for a second and any subsequent offence to imprisonment without the option of a fine for a period of not less than three nor more than six months with hard labour;

In the case of a firm or corporation, to a penalty of not more than \$200.00 and costs for a first and every subsequent offence;

and the provisions of part XV of Cap. 146 of the Revised Statutes of Canada, 1906 (known as *The Criminal Code*), in reference to summary convictions shall be applicable to all proceedings for the enforcement of any penalty under this Act.

3. Any duly authorized person to make a distress or seizure under the authority of this Act shall do so only on the receipt

of a proper warrant and he may before acting under such warrant require the party issuing same to indemnify him as to costs and damages in such amount as would be reasonable under the circumstances.

4. Notwithstanding any rule of court or provision of any Statute or Ordinance in force in the province no sale after seizure under process issued out of any court of record of the province or after distress or seizure under any of the authorities mentioned in section 1 of this Act shall be made, executed and carried into effect except upon the order of a judge of the Supreme or District Courts respectively or of a master in chambers, granted *ex parte* or on notice after consideration of all the facts and circumstances and upon such terms and conditions as to costs and otherwise as he shall determine, and there shall be no appeal from any such order, nor shall any goods, chattels, effects or other property be removed from the premises where the seizure is made before sale without such an order, and the original or a copy of such order or orders shall be filed with the sheriff or sheriff's officer having charge of the matter:

Provided, however, that where in the opinion of the officer making the seizure it would be unsafe not to remove the goods, he may make such removal as will protect the seizure, and in the case of perishable goods the said officer shall have discretionary power to sell the same without an order, but if sold the proceeds shall take the place of the goods and be subject to such order.

5. The proceeds realized from a seizure and sale under any of the authorities mentioned in section 1 of this Act shall not be subject to the provisions of *The Creditors' Relief Act*.

6. Nothing in this Act shall apply to seizures under trust deeds or mortgages made to secure issues of debentures, bonds or stocks, nor to seizures for taxes, nor to seizures following or under convictions made by any police magistrate or justice of the peace under the provisions of any Act or Ordinance or by-law having the force of law in the province.

7. On the coming into force of this Act any distress or seizure made and not completed by sale shall be executed and carried into effect by the officers named in and under the provisions of this Act.

8. The Lieutenant Governor in Council may at any time by proclamation to be published in *The Alberta Gazette* order that this Act or any section or sections, word or words or schedule or part thereof be repealed, and fix the date on which such repeal shall take effect, and on, from and after such date this Act shall stand so repealed and be no longer in force.

SCHEDULE.

To the Clerk of the Supreme or District Court:

1. Every judge's or master in chamber's order under this Act..... \$1.00

To the Sheriff:

1. For receiving, entering and endorsing every warrant of distress or seizure.....	.50
2. For receiving, entering and endorsing every order.....	.50
3. Every return of all documents.....	.25
4. Every affidavit.....	.25
5. Fee on every service, if any.....	.50
6. Every warrant to execute any extra-judicial process when given to a bailiff.....	.50
7. For every bond required to be taken to the sheriff for securing goods or for indemnity or other process.....	1.00
8. For every search not being by a party to the cause or a solicitor.....	.25
9. For every certificate when required, whether under seal or not.....	.50
10. For notice of sale of goods.....	.75
For each copy, not exceeding seven.....	.10
11. Levying distress.....	1.00
12. Man in possession, per day.....	1.50
13. Appraisement, whether by one appraiser or more, two cents on the dollar on the value of goods up to \$500, and one per cent. on the dollar for each additional \$500 or fraction thereof up to \$2,000, and one-half per cent. on all sums over that amount.	
14. All reasonable and necessary disbursements for advertising.	
15. Catalogue, sale, commission and delivery of goods, five per cent. on the net proceeds of the goods up to \$1,000 and one and one-half per cent. thereafter.	
16. For mileage for every mile (over two miles) necessarily travelled and sworn to in making any seizure under the authority of any chattel mortgage, bill of sale, or in re-taking possession of goods under a hire receipt, or conditional sale agreement, when the sheriff is employed, from the place where the warrant or authority is received, or from the sheriff's or his bailiff's office (whichever is nearest), to the place of execution of same and return, 10 cents.	
17. All necessary and reasonable disbursements for removing and storing goods and removing and keeping live stock, and all other disbursements which in the opinion of the judge before whom a question as to the amount of the fees to be allowed under this Act may come for decision, are reasonable and necessary.	

1914

CHAPTER 5.

An Act respecting Succession Duties.

(Assented to October 22, 1914.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as the "*Succession Duties Act.*" Short title
2. This Act shall apply—
 - (a) To the property of persons in respect of whose estate ^{Application} no application for letters probate, or letters of administration, or for the resealing of letters probate, or letters of administration, shall have been made before the date of its passing;
 - (b) To the property of persons dying on or after the date of its passing.

INTERPRETATION.

3. In this Act—

"Property" shall include real and personal property of every ^{Property} description, and every estate or interest therein capable of being devised or bequeathed by will, or of passing on the death of the owner to his heirs or personal representatives.

"Child" shall include any child of the deceased, born in lawful ^{Child} wedlock, or any person adopted before the age of twelve years by the deceased as his child, or any infant to whom the deceased for not less than ten years immediately prior to his death, stood in *loco parentis*, or any lineal descendant of such child, adopted child, or infant as aforesaid, born in lawful wedlock.

"Passing" means passing either immediately on the death ^{Passing} of a person, or after an interval, either certainly or contingently, and either originally or by way of substitutive limitation, whether the deceased at the time of his death was domiciled in the province or elsewhere.

"Aggregate value" means the fair market value of the property ^{Aggregate value} of a deceased person, both within and without the province, passing on his death, before the debts, encumbrances, and other allowances, authorized by this Act are deducted therefrom.

"Net value" means the aggregate value less the debts, encum- ^{Net value} brances, and other allowances, authorized by this Act.

"Judge" means a judge of the Supreme Court of Alberta. ^{Judge}

"Court" means the Supreme Court of Alberta. ^{Court}

4. In determining the net value of any property of a deceased ^{Determination of net value} person for the purposes of the payment of succession duties hereunder, the aggregate value shall be taken as at the date of

the death of the deceased, and allowance shall be made for reasonable funeral expenses, and for his debts and encumbrances, and any debt or encumbrance for which an allowance is made shall be deducted from the aggregate value of the property, but an allowance shall not be made—

Cases in which allowance not to be made

(a) For debts incurred by the deceased, or encumbrances created by a disposition made by him, unless such debts or encumbrances were incurred or created *bona fide* for full consideration in money or money's worth wholly for deceased's own use and benefit, and take effect out of his interest; nor

(b) For any debt in respect whereof there is a right to reimbursement from any other estate or person, unless such reimbursement cannot be obtained; nor

(c) More than once for the same debt or encumbrance charged upon different portions of the estate; nor

(d) For the expenses of administration of the estate except the expense of procuring letters probate or letters of administration, not including solicitor's fees; nor

(e) For the expenses of the execution of any trust.

5. This Act shall not apply as respects the payment of succession duties—

Cases in which Act does not apply
Where net value does not exceed five thousand dollars

(1) To property passing under a will, intestacy, or otherwise to or for the use of any person or beneficiary whatsoever, where the net value of the property of the deceased does not exceed five thousand dollars; nor

As to certain relatives resident in the province

(2) To property passing in the manner aforesaid, to or for the use of a resident or residents of the province, being the grandfather, grandmother, father, mother, husband, wife, child, son-in-law, or daughter-in-law of the deceased, where the net value of the property of the deceased does not exceed twenty-five thousand dollars.

Property deemed to pass on death

6. Upon the death of any person, the following, in addition to any other property passing, shall, for the purposes of this Act, be deemed to pass on the death of such person—

Property voluntarily transferred in contemplation of death

(a) All property of such deceased person or any interest therein or income therefrom, which shall be voluntarily transferred by transfer, deed, grant, bargain, sale, or gift, made in contemplation of the death of the transferor, grantor, bargainor, vendor, or donor, or made, or intended to take effect in possession or enjoyment after such death, to any person in trust or otherwise, or by reason whereof any person shall become beneficially entitled in possession or expectancy to any property or the income thereof;

Donationes mortis causa, certain voluntary dispositions, etc.

(b) Any property taken as a *donatio mortis causa*, or under a disposition purporting to operate as an immediate grant or gift *inter vivos*, whether by way of grant, transfer, delivery, declaration of trust, or otherwise, which shall not have been *bona fide* made two years before the death of the deceased, including property taken under any grant or gift, whenever made, of which property *bona fide* possession and enjoyment shall not have been assumed by the donee immediately upon the grant or gift, and thenceforward retained to the entire exclusion of the donor, and of any benefit to him by contract or otherwise;

(c) Any property which a person having been absolutely entitled thereto, has caused or may cause to be conveyed or transferred to or vested in himself and any other person jointly, whether by disposition or otherwise, so that the beneficial interest therein or in some part thereof, passes or accrues by survivorship on his death to such other person including also any purchase or investment effected by the person who was absolutely entitled to the property, either by himself alone, or in concert or by arrangement with any other person; Property transferred by owner to himself jointly with some other person

(d) Any property passing under any past or future settlement including any trust, whether expressed in writing or otherwise, and if contained in a deed or other instrument effecting the settlement, whether such deed or other instrument was made for valuable consideration or not as between the settlor and any other person, made by deed or other instrument not taking effect as a will, whereby an interest in such property or the proceeds of sale thereof, for life, or any other period, determinable by reference to death, is reserved either expressly or by implication to the settlor, or whereby the settlor may have reserved to himself the right by the exercise of any power to restore to himself or to reclaim the absolute interest in such property or the proceeds of sale thereof or to otherwise resettle the same or any part thereof; Property passing under settlement

(e) Any annuity or other interest purchased or provided either by any person alone, or in concert or by arrangement with any other person, to the extent of the beneficial interest accruing or arising by survivorship or otherwise on the death of the deceased; Annuities, etc.

(f) Any property of which a person was at the time of his death competent to dispose; and a person shall be deemed competent to dispose of property if he has such an estate or interest therein, or such general or limited power as would, if he were *sui juris*, enable him to dispose of the property as he should think fit, or to dispose of the same for the benefit of his children, or some of them, whether the power is exercisable by instrument *inter vivos*, or by will, or both, including the power exercisable by a tenant *in tail*, whether in possession or not, but exclusive of any power exercisable in a fiduciary capacity under a disposition not made by himself or as mortgagee. A disposition taking effect out of the interest of the person so dying shall be deemed to have been made by him, whether the concurrence of any other person was or was not required. Money which a person has a general power to charge on property shall be deemed to be property of which he has the power to dispose. Property of which deceased was competent to dispose

7. Save as otherwise provided, all property of any person, situate within the province, and passing on his death, shall be subject to succession duties at the rate or rates set forth in the following table, the percentage payable on the share of any person or beneficiary, being fixed by the following or by some one or more of the following considerations as the case may be:

- (a) Net value of the property of the deceased;
- (b) Place of residence of person or beneficiary;
- (c) Value of property taken wherever situate;
- (d) Degree of kinship or absence of kinship to the deceased.

PERCENTAGES PAYABLE ON SHARES PASSING TO OR FOR THE USE OF						
1	2	3	4	5	6	7
Net value of the property of the deceased (Section 3.)	Grandfather, grandmother, father, mother, husband, wife, child, son-in-law, or daughter-in-law of the deceased, being a resident or residents of the province.	Any person or persons mentioned in column 2 not being a resident or residents of the province.	Any person or persons mentioned in columns 2 or 3 taking more than \$50,000, wherever situate.	Any other lineal ancestor of the deceased, a brother or sister of the deceased, or any lineal descendant of such brother or sister, or a brother or sister of the father or mother of the deceased, or any lineal descendant of such last mentioned brother or sister.	Any person or persons mentioned in column 5 taking more than \$50,000, wherever situate.	Any person or persons mentioned in column 5 taking more than \$50,000, wherever situate.
Exceeding \$5,000 and not exceeding \$25,000.....	(Section 5)	1		5		10
Exceeding \$25,000 and not exceeding \$100,000...	1½	2	6	6	7½	11
Exceeding \$100,000 and not exceeding \$200,000...	2½	3	7½	7½	8½	12½
Exceeding \$200,000 and not exceeding \$400,000.	5	6	9	9	10	13
Exceeding \$400,000 and not exceeding \$800,000.	8	9	10	10	11	14
Exceeding \$800,000 and not exceeding \$2,000,000	9	10	12	12	13	15
Exceeding \$2,000,000....	10	12	14	14	15	16

Provided, however, that no duty shall be payable on the share passing to any person mentioned in columns 2 or 3, where the value of the property taken by such person, wherever situate, does not exceed two thousand dollars. Proviso

(2) Property brought into the province for administration or distribution shall be deemed to be property situate within the province. Property brought into province for administration etc.

(3) The succession duties herein provided for shall be paid to the Provincial Treasurer, for the use of the province, and shall be over and above the probate or other fees prescribed from time to time by law. Duties to be paid to Provincial Treasurer
Duties over and above probate fees

8. Where a bequest or devise of property, which otherwise would be liable to the payment of duty under this Act, is made to an executor or trustee in lieu of commission or allowance, and the said bequest or devise exceeds what would be reasonable compensation for the services of such executor, or trustee, such excess shall be liable to duty, and a reasonable compensation shall, unless otherwise agreed upon with the Provincial Treasurer, be fixed by a judge. Bequest or devise to executor or trustee in lieu of commission

9. Nothing in this Act contained shall render liable for duty any property *bona fide* transferred for a consideration that is of a value substantially equivalent to the property transferred. Not to affect bona fide transfers

PROCEDURE.

10. (1) On all applications for letters probate, or letters of administration, or for the resealing of letters probate, or letters of administration, made to any District Court in the province, the applicant, or one of the applicants, shall at the time of filing the papers required by the practice of the said court on such application, make and file with the clerk thereof two duplicate original affidavits of value and relationship with inventories annexed in form No. 1 in schedule 1 hereto, and shall at the same time pay to the clerk such fee as may be fixed by the Lieutenant Governor in Council under the provisions of section 51 for the examination of any such affidavit by the Provincial Treasurer. Filing of affidavits

(2) Such affidavits shall be made and filed in all cases without regard to the nature or value of the property of the deceased.

11. The clerk shall forthwith on receipt of such duplicate original affidavits, and fee, forward one of such affidavits to the Provincial Treasurer, who shall determine the amount (if any) in which the property or any part thereof is subject to succession duty, or will become subject thereto on the happening of a contingency, and shall, as soon as may be, forward a statement of the same to the clerk, who shall on receipt thereof either require immediate payment or the giving of security therefor by bond in form No. 2 in schedule 1 hereto, or with regard to the amount in which the property or any part thereof will become subject to duty on the happening of a contingency, require security to be given by bond in a form to be approved as herein-after provided. Determination of duty

Penalty
of bond

12. (1) Every bond required to be given under the last preceding section shall be in a penal sum equal to ten per centum of the sworn value of the property of the deceased liable, or which may become liable to succession duty, or in such further sum as the Provincial Treasurer may deem sufficient, and shall be conditioned for the due payment to His Majesty of any duty to which the property of the deceased coming into the hands of the said applicant or applicants, is or may be found liable.

Parties
to bond

(2) Every such bond shall be executed by the applicant or by all the applicants if there is more than one, and a guaranty company approved by the Provincial Treasurer, as surety, and the parties executing the bond shall be bound jointly and severally in the whole amount of the penalty thereof; provided, however, that where it is made to appear to the satisfaction of the Provincial Treasurer that an applicant is unable to secure an approved guaranty company as surety, the security to be given may be of such nature, and in such form and amount as the Provincial Treasurer may direct.

Liability

Clerk to
forward
bond to
Provincial
Treasurer

13. The clerk shall upon the receipt of any bond required to be taken under the provisions of this Act, forward it to the Provincial Treasurer for approval.

Approval
and filing

14. Upon the approval of any such bond, the same shall be filed in the office of the Provincial Treasurer.

Consent of
Provincial
Treasurer
to issue of
letters

15. Upon payment of the amount in which the property is or may become liable for succession duties or upon the approval of any bond or other security taken to secure the payment thereof, the Provincial Treasurer shall, subject to his right under section 22 to require further information, consent to the issuing of letters probate, or letters of administration, or to the resealing thereof as the case may be, but in no case shall letters be issued or resealed, until such consent is given.

Duties
payable out
of share

16. The duties imposed by this Act shall be payable out of the share of each person or beneficiary entitled to share in the property of the deceased, according to the rate applicable as aforesaid to such person or beneficiary.

Cases
in which
executor
personally
liable

17. Any executor or administrator who, without reasonable excuse, the proof whereof shall lie on him, shall, in the inventories required to be filed by this Act, either fail to include any property of the deceased, or make any incorrect statement with respect to the value or mode of passing of any property of the deceased or with respect to the degree of relationship to the deceased, or the place of residence of any person or beneficiary, shall be liable personally to pay to the Provincial Treasurer any deficiency in duty arising by reason of such failure or incorrect statement.

Where
no probate
necessary,
or where
probate
not taken
out

18. Where, in respect of any property passing on the death of any person, no application for letters probate, or letters of administration, or for the resealing thereof, is necessary, or if necessary has not been made, every person to whom any property passes shall within two months from the date of death of the deceased, or within such later time as the Provincial

Treasurer shall allow, forward to the Provincial Treasurer a sworn statement to the best of his knowledge, information, and belief, of the nature and value of the property passing.

19. Where property subject to succession duty under this Act includes any future or contingent estate, income, or interest, the duty on such estate, income, or interest may be paid within the time limited by section 23 of this Act, and where so paid, the duty shall be on the value of such estate, income, or interest computed under section 27 of this Act as at the date of death of the deceased. By consent of the Provincial Treasurer, in writing, duty may be paid after the time so limited and before such estate, income, or interest comes into possession; but in the event of such consent, the duty shall then be on a value not less, in any event, than the value of such estate, income, or interest computed under the said section 27 as at the date when the duty is paid; and no deduction shall be made for duty paid or payable on any prior estate, income or interest. The duty on any future or contingent estate, income, or interest, if not sooner paid (as in this section provided), shall be payable forthwith when such estate, income, or interest comes into possession, and no deduction shall be made for duty paid or payable on any prior estate, income, or interest.

Future and
contingent
estates

20. Where in respect of any future or contingent estate or interest, there is no person beneficially entitled to the present income, or enjoyment, or where there is some part thereof to which there is no person so entitled, the duty on such future or contingent estate or interest, or on such part thereof, as the case may be, shall be payable as provided under sections 19, 21 and 23 of this Act.

No person
beneficially
entitled to
present
income

21. Notwithstanding the duty may not be payable on any future or contingent estate, income, or interest, until the time when the right of possession or actual enjoyment accrues, any executor, administrator, guardian, trustee, or person owning a prior interest, when such executor, administrator, guardian, trustee, or person has the custody or control of the property, may agree upon or commute for a present payment out of the property in discharge of the said duty; and the Provincial Treasurer may, upon the application of any such person, commute the succession duty, which would or might but for the commutation become payable in respect of such interest, for a certain sum to be presently paid, and for determining that sum shall cause a present value to be set upon such duty, regard being had to the contingencies affecting the liability to and rate and amount of such duty and interest; and on receipt of such sum the Provincial Treasurer shall give a certificate of discharge from such duty, provided that such certificate shall not discharge any person from any duty in case of fraud or failure to disclose material facts except a *bona fide* purchaser for valuable consideration without notice.

Commutation

22. The Provincial Treasurer may at any time require such information on oath or otherwise, as is in his opinion necessary to enable him to ascertain the amount of duty payable on any

Requiring
of further
information
by Provincial
Treasurer

property, and until such information is furnished to his satisfaction letters probate or letters of administration shall not issue nor be resealed.

When duties payable

23. The duties imposed by this Act shall be due and payable on the death of the deceased, or within six months thereafter, and if the same are paid within six months no interest shall be charged or collected thereon, but if not so paid, interest at the rate of six per centum per annum from the date of death of the deceased shall be charged and collected, and such duties together with the interest thereon shall be and remain a lien upon the property in respect of which they are payable, until the same are paid; provided, however, that the Lieutenant Governor in Council may, upon satisfactory proof that payment of the duty within the time above limited, would be unduly onerous on the estate, extend the time for payment by order, and the duty shall be due and payable as in the said order set forth.

Extension by Lieutenant Governor in Council

Granting of certificate by Provincial Treasurer

24. The Provincial Treasurer may, if satisfied that the full amount of succession duty in respect of any property has been paid, or secured to his satisfaction, grant a certificate of discharge which shall discharge from any further claim for such duty the property mentioned in the certificate, but shall not in the case of fraud or failure to disclose material facts operate as a discharge of any person or property liable except property in the hands of a *bona fide* purchaser for valuable consideration without notice.

PROCEDURE ON VALUATION AND ASSESSMENT.

Valuation by commissioner

25. Where the Provincial Treasurer is not satisfied with the sworn valuations in any inventory filed, or that all property which should have been included therein, has been included, he may personally or by his solicitor or agent appoint a commissioner or commissioners to make a valuation of any property disclosed in the inventory, or of any property wrongfully omitted therefrom, and to do such other matters or things in connection therewith as may be referred to him.

Report of commissioner

26. (1) Such commissioner or commissioners shall, as soon as may be after appointment, and upon ten days' written notice to the solicitor acting on behalf of the parties interested, of the time and place at which the valuation will be made, proceed to value the said property at its fair market value as at the date of death of the deceased, and shall make and file with the Provincial Treasurer a written report in duplicate of such valuation and of any other matter referred. One duplicate of the said report shall be forwarded by the Provincial Treasurer to the solicitor acting for the parties interested in the property.

Powers of commission

(2) Any such commissioner or commissioners shall have all the powers which may be conferred upon commissioners under *An Act respecting Inquiries Concerning Public Matters*, being chapter 2 of the Statutes of 1908, and may require production of any books, papers, or other writings, or documents, of any company or corporation in which the deceased at any time held stock, shares, bonds, debentures, or other securities, or of any company or corporation to which property was transferred by

the deceased, and may appoint an auditor or other competent person to make such inspection and report as he may deem necessary.

(3) Such commissioner or commissioners shall be entitled to receive such reasonable sum for services and travelling expenses as may be allowed by the Provincial Treasurer and the same shall be paid by him.

27. If the Provincial Treasurer, his solicitor or agent and the other parties interested are unable to agree upon the cash value as at the date of the death of the deceased, of any annuity, term of years, life estate, income or other estate, the Provincial Auditor shall assess and fix the same, and the amount of duty payable in respect thereof, and shall immediately file his assessment in the office of the Provincial Treasurer and give notice thereof to the solicitor acting on behalf of the parties interested.

Assessment
by Provincial
Auditor

28. Any interested person dissatisfied with any such valuation or assessment may appeal therefrom to a judge within thirty days after the filing of such valuation or assessment whichever shall be later, and upon such appeal the said judge shall have jurisdiction to determine all questions of valuation, and the liability of the property or any part thereof to duty and the decision of the said judge as to all questions of valuation shall be final.

Appeal

29. Any sum payable under this Act shall be recoverable with costs of suit as a debt due to His Majesty from any person liable therefor, by action in the Supreme Court of the province in any judicial district, and it shall not in any case be necessary to take the proceedings authorized by sections 25 to 28, inclusive.

Duties
recoverable
as a debt

30. Any executor or administrator who shall sell, assign, transfer or dispose of any stocks, shares, bonds or debentures, the property of any deceased person, without payment to the Provincial Treasurer of the amount in which the same are liable for succession duty, if any, or the giving of security therefor, shall be liable personally to pay to the Provincial Treasurer the amount of such duty, and any company or corporation, permitting such assignment, transfer or disposal, shall also be liable to the Provincial Treasurer for the duty payable in respect thereof.

Executor
not to assign
stocks, etc.,
without
production of
certificate of
Provincial
Treasurer

31. In any case where security has been given for the payment of succession duty, at least seven days' notice of any appointment for the passing of the accounts of the executor or administrator, shall be served upon the Provincial Treasurer by such executor or administrator or his solicitor, together with a copy of the accounts.

Notice of
passing of
accounts to
be served on
Provincial
Treasurer

32. Where any debts shall be proven against the estate of a deceased person, after the payment of legacies or distribution of property from which the duty has been deducted, or upon which it has been paid, and a refund is made by the legatee, devisee, heir or next of kin, a proportion of the duty so paid shall be repaid to him by the executor, administrator or trustee,

Refund of
duty where
debts
afterwards
proven

if such duty has not been paid to the Provincial Treasurer, or by the Provincial Treasurer if it has been so paid; provided that no such repayment shall be made by the Provincial Treasurer after the expiration of two years from the date of death of the deceased.

Money retained for duty to be paid to Provincial Treasurer

33. Every sum of money paid to an executor, administrator, or trustee, for the duty on any property, or retained by him for such purpose, shall be paid by him forthwith to the Provincial Treasurer, or as the Provincial Treasurer may direct.

Power to sell property to pay duty

34. Executors, administrators and trustees shall have power to sell so much of the property of the deceased as will enable the payment of succession duty, in the same manner as they may be enabled by law so to do for the payment of debts of the testator or intestate.

Judge may determine property liable to duty

35. A judge shall have jurisdiction upon motion or petition, to determine what property is liable to duty under this Act, and the amount thereof.

Judge may order persons to show cause why duty has not been paid

36. If it appears to a judge that any duty due under this Act has not been paid according to law, he shall, on application of any party interested, make an order directing the persons interested in the property liable to the duty, to appear before the court on a day certain to be therein named, and show cause why the said duty should not be paid. The service of such order, and the time, manner, and proof thereof, and fees therefor, and the hearing and determining thereon, and the enforcement of the judgment of the court thereon, shall be according to the practice of the Supreme Court.

Practice

Action may be brought before time for payment of duty

37. An action may be brought to determine any question of liability under this Act, although the time for the payment of the duty has not arrived, and such action shall be considered as an ordinary action in the Supreme Court.

Right of Attorney General to require production, etc.

38. In any action under this Act the Attorney General or the solicitor acting on behalf of the Provincial Treasurer shall have the same right, either before or after the trial, to require the production of documents, to examine parties or witnesses, and to take such other proceedings in aid of the action as a plaintiff has or may take in an ordinary action.

Trial of an issue

39. Where for the better determining of any question raised in any action the Supreme Court deems it advisable to order the trial of an issue or issues, it may give such directions in that behalf as it deems expedient.

Reference

40. In case the Supreme Court shall think fit at any time to direct a reference, such reference may be to an officer of the court as provided by the Supreme Court Rules, or to any other person.

Appeal

41. An appeal shall lie in any action brought under this Act wherever an appeal would lie if the action were between subject and subject, and to the like tribunal.

42. The costs of all proceedings under this Act shall be in the Costs discretion of the court or judge.

43. (1) The clerks of the court shall be entitled to take for Fees the performance of duties and services under this Act fees similar to those payable to them under the rules of the Supreme Court.

(2) A fee of one dollar shall be payable to the Provincial Treasurer for any certificate granted under the provisions of this Act.

44. Where any property of any person which has, previous Declaration that property is declared liable to duty, the court may declare the duty to be transferred before death is subject to duty a lien upon the property, and may make such declaration although the amount of such duty has not been ascertained, and where any property which, had it remained in the hands of the person to whom or for whose benefit it was conveyed or transferred by such deceased person, would have been liable for duty, has been conveyed or transferred to any purchaser for valuable consideration, the court may direct the person to whom or for whose benefit the said property was conveyed or transferred by such deceased person as aforesaid, to pay the amount of the duty to which such property would have been subject as aforesaid.

45. Whenever it is claimed that any land, or any property secured by any mortgage or encumbrance upon land is subject Filing of notice of lien to succession duty, the Provincial Treasurer or the solicitor acting in his behalf, may, when deemed necessary, cause to be filed in the land titles office wherein the certificate of title to such land, or such mortgage or encumbrance is registered, a notice of lien in form 3 in schedule 1 hereto, or to the like effect.

46. Upon the receipt of such notice the registrar shall enter Entry by registrar the same in the day book and shall make a memorandum upon the certificate of title of the land or upon that of the land mortgaged or encumbered, as the case may be, that the land or mortgage or encumbrance is subject to a lien for succession duty in favour of the Provincial Treasurer.

47. (1) So long as any notice remains in force the registrar shall not register any instrument purporting to affect the land, mortgage, or encumbrance in respect of which such notice is Registrar not to register any instrument unless subject to lien filed unless such instrument is expressed to be subject to the lien of the Provincial Treasurer for succession duty, but the Provincial Treasurer may, at any time, by letter to the registrar withdraw any such notice and a memorandum of such withdrawal shall be made by the registrar upon the certificate of title on which the memorandum was made.

(2) Any such withdrawal by the Provincial Treasurer shall be without prejudice to his right to file any further or other notice if deemed necessary.

48. Registration by way of such notice shall have the same Effect of registration effect as to priority as the registration of any instrument under *The Land Titles Act*.

Application
of sections
45 to 48

49. The preceding sections 45 to 48, both inclusive, shall apply to the property of all persons in respect of which duty is claimed, whether such persons have died before, or shall die after the passing of this Act.

Remedies to
be additional

50. The remedies provided in the preceding sections 45 to 48, both inclusive, shall be in addition to those provided by the other provisions of this Act, and nothing contained therein shall affect the right of the Crown to claim a lien independently of the said sections.

Lieutenant
Governor in
Council to
make rules and
regulations

51. The Lieutenant Governor in Council may make rules and regulations for carrying into effect the provisions of this Act, and to cover matters not herein provided for, including the fixing of a scale of fees to be paid to the Provincial Treasurer for the use of the province for the examination of all affidavits or sworn statements filed or submitted under the provisions of this Act, and the same shall be published forthwith in the official gazette.

Succession Duty
Ordinance
repealed
except as to
the property
of certain
persons

52. *The Succession Duty Ordinance*, being chapter 5 of the Ordinances of 1903 (2nd Session), is hereby repealed except as to the property of any person in respect of whose estate, application for letters probate, or letters of administration, or for the resealing of letters probate, or letters of administration, shall have been made before the date of the passing of this Act.

SCHEDULE 1.

FORM 1.

AFFIDAVIT OF VALUE AND RELATIONSHIP.

SUCCESSION DUTIES ACT.

CANADA } IN THE DISTRICT COURT OF THE DISTRICT OF
PROVINCE OF ALBERTA }

In the matter of the estate of.....
late of the.....of.....
in the.....of....., deceased.

I.....of the.....
of.....in the.....
.....make oath and say:

That.....the applicant... for letters.....
.....to the estate of.....
who died on or about the.....day of.....
A.D. 19....., domiciled in.....

That.....have made full, careful, and searching inquiry for the purpose
of ascertaining what real and personal property and effects the said.....
.....was possessed of, or entitled to, at the time of
h.....death, together with the market value thereof respectively.

That.....have according to the best of.....knowledge,
information and belief, set forth in the Inventory herewith exhibited, and
marked "A", a full, true, and particular account of all the real and personal
estate of the said....., or of which the said
.....was possessed, or to which he was entitled
at the time of h.....death, together with the fair market value as at the
date of death of each and every asset forming part of the said real and personal
estate and particularized in the said Inventory. The said Inventory includes
all real and personal estate over which the deceased had and exercised absolute
power of appointment. The aggregate value of the said estate as at date

of deceased's death was \$....., and the net value thereof, was \$.....

That.....have included in the said Inventory every security, debt and sum of money outstanding, due or payable to, or standing to the credit of the said deceased at the time of h.....death, and in estimating the value thereof have included all the interest due, payable, chargeable, and accruing due thereon up to the death of the said deceased.

That, save and except what is set forth in the said Inventory, the said.....was not, to the best of.....knowledge, information and belief, at the time of h.....death, possessed of or entitled to any debt or sum of money, or any security, pledge, or undertaking for the payment of any money to h.....on any account whatsoever, or to any leasehold or other personal estate, goods, chattels, or effects in possession or reversion absolutely or contingently or otherwise howsoever.

That in the said Inventory is included all the property of the said.....situate without the Province of Alberta, as well as the property situate within the Province of Alberta.

That, save and except what is set forth in the said Inventory, the said.....was not, to the best of.....knowledge, information and belief, at the time of h.....death seized of or entitled to any real estate in possession, remainder, or reversion, absolutely or contingently, or otherwise howsoever.

That, to the best of.....knowledge, information and belief, the said deceased did not voluntarily transfer by deed, grant, or gift made in contemplation of h.....death, or made or intended to take effect in possession or enjoyment after h.....death, any property or any interest therein, or income therefrom to any person in trust or otherwise by reason whereof any person is or shall become beneficially entitled in possession or expectancy in or to the said property or income thereof, save and except as set forth in the said Inventory.

That, to the best of.....knowledge, information, and belief, the said deceased did not at any time within two years previous to the date of h.....death transfer by way of *donatio mortis causa*, or purporting to operate as an immediate gift *inter vivos*, whether by way of transfer, delivery, declaration of trust, or otherwise, any property whatsoever, save and except as set forth in the said Inventory. (Am. 1915, c. 2, s. 2.)

That, to the best of.....knowledge, information and belief the said deceased did not at any time previous to the date of h.....death transfer any property of which property the *bona fide* possession was not assumed by the donee immediately upon the gift, and thenceforth retained to the entire exclusion of the donor or any benefit to h.....by contract or otherwise, save and except as set forth in the said Inventory.

That, to the best of.....knowledge, information and belief, the said deceased was not at the time of h.....death a party to any past or future settlement, including any trust, whether expressed in writing or otherwise, whether made for valuable consideration or not, as between the settlor or any other person, and not taking effect as a will, where by an interest in such property or the proceeds of the sale thereof for life, or any other period determinable by reference to death, was reserved expressly or by implication to the deceased, or whereby the deceased reserved to h.....self the right by the exercise of any power to h.....self to reclaim, the absolute interest in such property or the proceeds of the sale thereof, or otherwise resettle the same or any part thereof, save and except as set forth in the said Inventory.

That, to the best of.....knowledge, information and belief, no annuity or other interest had been purchased or provided by the said deceased, either by h.....self alone or in concert or by arrangement with any other person, save and except as set forth in the said Inventory.

That.....have to the best of.....knowledge, information and belief in the Inventories respectively marked "A" and "B" hereto annexed, set forth the assets, debts and liabilities of the deceased, and the names of the several persons to whom the property of the said deceased will pass, the degree of relationship, if any, in which they stand to the deceased, the true place of residence of each of them, and the nature and value of the property passing to each of these persons respectively.

Sworn before me at.....
in the.....of.....
this.....day of.....
A.D. 19.....

.....
A-Commissioner, etc.

INVENTORY A.

IN THE DISTRICT COURT OF THE DISTRICT OF

SUCCESSION DUTIES ACT.

In the matter of the estate of.....
 deceased, late of the.....of.....
 in the.....of.....

NO. OF PARCEL	REAL ESTATE <i>Give description and full value of real estate including improvements and set out details of improvements below</i>	VALUE	

IMPROVEMENTS ON REAL ESTATE.

NO. OF PARCEL	NATURE AND DESCRIPTION OF IMPROVEMENTS	VALUE

MORTGAGES AND ENCUMBRANCES ON REAL ESTATE.

NO. OF PARCEL	DESCRIPTION OF MORTGAGE OR ENCUMBRANCE	PRIN- CIPAL		INTEREST		TOTAL	

MONEYS SECURED BY MORTGAGE.

NAME OF MORTGAGOR AND DESCRIPTION OF PROPERTY MORTGAGED	WHERE MORTGAGE INSTRUMENT FOUND AT DATE OF DEATH	PRIN- CIPAL		INTEREST		TOTAL	

CASH.

WHERE SITUATE	PRIN- CIPAL	INTEREST	TOTAL

LIFE INSURANCE.

NAME OF COMPANY	TO WHOM PAYABLE	HEAD OFFICE	PRIN- CIPAL	INTEREST	TOTAL

BOOK DEBTS AND PROMISSORY NOTES.

NAME OF DEBTOR OR PROMISOR	RESIDENCE OF DEBTOR OR PROMISOR	PRIN- CIPAL	INTEREST	TOTAL

STOCKS, SHARES, BONDS AND DEBENTURES.

NUMBER AND DESCRIPTION	INTER- EST RATE	PAR VAL.	MKT. VAL.	HOW TRANS- FERABLE	HEAD OFFICE	PRIN- CIPAL	INTER- EST	TOTAL

OTHER PROPERTY	WHERE SITUATE	PRIN- CIPAL	INTEREST	TOTAL
Household Goods and Furniture..				
Farming Implements.....				
Stock in Trade including Goodwill of Business.....				
Horses.....				
Horned Cattle.....				
Sheep, Swine and other Domestic Animals.....				
Farm Produce of all kinds.....				
Other Personal Property not be- fore mentioned (if any).....				
AGGREGATE VALUE OF ESTATE.....				

SCHEDULE OF DEBTS (Other than Mortgages or Encumbrances on Real Estate)	PRIN- CIPAL	INTEREST	TOTAL
Debts other than Mortgages or Encumbrances on Real Estate.....			
Mortgages and Encumbrances on Real Estate			
TOTAL OF DEBTS, MORTGAGES AND ENCUMBRANCES.....			
NET VALUE OF ESTATE..... (Aggregate less Debts, Mortgages and Encumbrances)			

This is Inventory "A" referred to in the Affidavit of Value and Relationship of.....
Sworn to at..... }
on the.....day of..... }
A.D. 19..... }
.....
A Commissioner, etc.

INVENTORY B.

IN THE DISTRICT COURT OF THE DISTRICT OF.....
SUCCESSION DUTIES ACT.

In the matter of the estate of.....
deceased, late of the.....of.....
in the.....of.....

NAME OF BENEFICIARY	AGE	RELATIONSHIP	RESIDENCE	PROPERTY PASSING	VALUE

This is Inventory "B" referred to in the Affidavit of Value and Relationship of.....
Sworn to at..... }
on the.....day of..... }
A.D. 19..... }
.....
A Commissioner, etc.

FORM 2.

(Where company is applicant vary form as necessary.)

BOND BY APPLICANT FOR LETTERS.

CANADA }
PROVINCE OF ALBERTA }

SUCCESSION DUTIES ACT.

In the District Court of the Judicial District of.....
In the matter of the estate of....., deceased.

KNOW ALL MEN BY THESE PRESENTS:
That we (name, residence and addition of applicant or applicants), and (name of guaranty company), a guaranty company duly incorporated under the laws of....., and authorized to carry on business in the Province of Alberta, are jointly and severally held and firmly bound unto the Treasurer of the Province of Alberta, representing His Majesty the King in that behalf, in the penal sum of.....dollars for which payment well and truly to be made, we bind ourselves, and each of us, for the whole and not for a part, our and each of our heirs, executors, administrators, successors and assigns, firmly by these presents.
Sealed with our seals, the corporate seal of the guaranty company being duly attested by the proper officers thereof.
Dated this.....day of.....A.D. 19....
The condition of this obligation is such, that if the above named.....
....., the.....of all the property of

....., late of the..... of
 in the..... of
 deceased, who died on or about the..... day of.....
 A.D. 19....., domiciled at..... in the.....
 of....., do well and truly pay, or cause to be paid
 to the Treasurer of the Province of Alberta for the time being, representing
 His Majesty the King in that behalf, any and all duty to which the property
 of the said....., coming into the hands of the
 said....., may be found liable under the
 provisions of *The Succession Duties Act* within six months from the date of
 the death of the said....., or within such further
 time as may be given for payment thereof under the provisions of the said
 Act, then this obligation shall be void and of no effect, but otherwise shall
 be and remain in full force and virtue.
 Signed, sealed and delivered, }
 in the presence of

AFFIDAVIT OF EXECUTION.

CANADA }
 PROVINCE OF ALBERTA }

I,....., of the.....
 of....., in the..... of.....
, make oath and say as follows:

1. I am the person whose name is subscribed to the annexed bond as the
 attesting witness to the execution thereof, and the signature.....
 set and subscribed thereto, as such attesting witness, is of
 my proper handwriting, and my name and addition are correctly above set
 forth.

2. I was present and did see the said bond duly signed and executed by
, therein named.

Sworn before me at..... }
 in the..... of..... }
 this..... day of..... }
 A.D. 19..... }

.....
A Commissioner, etc.

FORM 3.

CANADA }
 PROVINCE OF ALBERTA }

SUCCESSION DUTIES ACT.

NOTICE OF LIEN.

To the Registrar for.....
 Take notice that Succession Duty is claimed by the Treasurer of the
 Province of Alberta, representing His Majesty the King in that behalf,
 in respect of.....
 passing on the death of....., late of the
 of....., in the.....
 of....., deceased, for which a lien exists under
 the *Succession Duties Act* and that the registration of any person as owner
 of or of any instrument affecting the said..... is
 forbidden unless such instrument is expressed to be subject to such lien.

Dated this..... day of..... }
 A.D. 19....., at the..... }
 of....., in the Province of }
 Alberta.

.....
(Deputy) Provincial Treasurer.

.....
Solicitor for Provincial Treasurer.

1914

CHAPTER 6.

An Act respecting Proceedings to Secure Payment and Enforce Rights under Mortgages, Encumbrances and Agreements for Sale.

(Assented to October 22, 1914.)

The Foreclosure and Sale Act, being chapter 6 of the Statutes of 1914, is repealed, but in all proceedings heretofore taken thereunder the rights of all parties thereto shall be deemed to be the same as if such proceedings had been taken in accordance with the ordinary procedure of the Supreme Court and such proceedings shall be continued in accordance with the ordinary practice and procedure of the said court. *See* 1915, c. 2, s. 6.

NOTE.—The above Act, c. 6, came into force on the First day of December, 1914, and the section repealing same came into force on the 17th day of April, 1915.

1914

CHAPTER 7.

An Act to amend The Town Act.

(Consolidated in Chapter 2, 1911-12.)

1914

CHAPTER 8.

An Act to amend The Village Act.

(Consolidated in Chapter 5, 1913 (1).)

1914

CHAPTER 9.

An Act to amend The Rural Municipalities Act.

(Consolidated in Chapter 3, 1911-12.)

1914

CHAPTER 10.

An Act to amend Chapter 20 of the Consolidated Ordinances of 1901, intituled "The Companies Ordinance."

(Consolidated in C.O. 1915, c. 61.)

1914

CHAPTER 11.

An Act to provide Relief to School Districts.

(Assented to October 22, 1914.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. In this Act, unless the context otherwise requires, all words, ^{Interpretation} terms and expressions shall have the meanings ascribed to them by *The School Ordinance*.

2. Upon the recommendation of a school inspector the Minister of Education may, out of any sums voted by the Legislative Assembly for that purpose, advance by way of loan to any school district any sum or sums of money which, in the opinion of such Minister, are necessary to enable such district to maintain its school in operation or to meet its current indebtedness. ^{Loans to school districts}

3. The Minister may make such arrangement with the school board of any district to which an advance by way of loan is made under this Act as to him may seem meet for the repayment of such advance, with interest at six per centum per annum. ^{Repayment}

4. Until such indebtedness is fully paid and satisfied, there may be deducted from time to time from the grants payable to any district that may have received an advance under this Act, such sum or sums as the Minister may determine. ^{Deduction from grants}

5. Any advance made to any school district under this Act or any portion thereof may be paid directly to the teacher employed by such district or to any person, firm or corporation holding any overdue debenture coupon payable by such district. ^{Payment of teacher and debenture coupons}

1914

CHAPTER 12.

An Act to amend The Educational Tax Act.

(Consolidated in Chapter 18, 1907.)

1914

CHAPTER 13.

An Act to amend The School Ordinance, The School Assessment Ordinance, The School Grants Act and The Truancy Act.

(Consolidated in various Ordinances and Acts.)

1914

CHAPTER 14.

An Act to amend Chapter 13 of the Statutes of 1908.

(Consolidated in Chapter 13, 1908.)

CHAPTER 15.

An Act to provide for Taxation of Persons Holding or Operating Timber Areas.

(Assented to October 22, 1914.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts sa follows:

1. This Act may be cited as "*The Timber Areas Tax Act.*" Citation

2. In this Act, unless the context otherwise requires— Interpretation

1. "Timber areas" or "timber berth" includes all land owned, leased, held under license, claimed or occupied by any person for the special purpose of cutting or removing timber therefrom, or which is held as an investment or for the accruing value of the timber growing thereon, and which is not merely held in trust for the Crown or for any body or tribe of Indians; Timber area

2. "Minister" means the Minister of Municipal Affairs; Minister

3. "Person" shall include companies, corporations, firms, associations, trustees, executors, administrators, guardians, agents and receivers; Person

4. "Proprietor" shall include any person who owns, controls, occupies, leases, holds under license, claims or carries on operations upon any timber area or timber berth. Proprietor

3. On or before the first day of March in each and every year every proprietor of a timber area shall, without receiving any notice or demand, deliver to the Minister a statement verified by the affidavit of himself, his manager, or some person having a personal knowledge of all the facts and circumstances, and such statement shall give in detail the following information: Annual returns

(a) The name of the proprietor;

(b) If the proprietor is not an individual, a statement as to whether it is a firm, company, or corporation, and the manner in which it was found or incorporated;

(c) The names and addresses of the proprietor's officers and general manager;

(d) The location of the proprietor's head office in the province;

(e) The legal or other well defined description of each parcel of land contained in such timber area, together with the acreage thereof.

4. The Minister may at any time require any proprietor to furnish under oath any information with regard to a timber area, and such information shall be delivered to the Minister within thirty days after a demand therefor has been sent by registered mail to the head office of the proprietor within the province. Minister may require information

Penalty for
default

5. Every proprietor, and the manager or agent in the province of every proprietor, who does not conform with the provisions of the two last preceding sections, shall be liable upon summary conviction before a justice of the peace to a penalty of \$20.00 per day for each day for which default in delivering any of the said returns continues, and the proprietor shall also pay the amount of the tax hereinafter prescribed for the period covered by such returns, together with one hundred per centum of the said amount which shall be collectable as part of the said tax.

Tax

6. On or before the first day of June in each and every year every proprietor of a timber area in the province shall pay to the Minister of Municipal Affairs, a tax of two and one-half cents for every acre of land comprising such timber area; provided, that every proprietor shall pay a minimum tax of \$25.00.

Lieutenant
Governor
in Council
may rebate

7. Upon the receipt of satisfactory evidence that the whole or any part of a timber area is held exclusively for the purpose of cutting cordwood or timber for settler's use, the Lieutenant Governor in Council may relieve the proprietor from paying the whole or any part of the said tax, and if the proprietor is manufacturing lumber in Alberta from timber cut on any such area, the Lieutenant Governor in Council may rebate such portion of the said tax as may be deemed advisable, but the said rebate shall not exceed one and one-half cents per acre.

Taxes may be
collected by
distress or
action

8. If default is made in the payment of taxes imposed by this Act they may be levied and collected with costs by distress upon the goods and chattels of the proprietor, wherever they may be found within the province, and upon receipt of a warrant signed by the Minister such distress shall be levied by the sheriff of the judicial district in which the proprietor may have any goods or chattels, and in such case the sheriff shall realize the arrears of the said tax, and the double tax or penalty, and the costs of the seizure and sale of such part of the said goods and chattels as may be necessary to satisfy the amount required to be levied by the said warrant, or the said taxes, and the double tax and penalty hereinbefore prescribed may be recovered with costs in any court of competent jurisdiction in an action brought by the Minister of Municipal Affairs as plaintiff, but it shall not be necessary to name the said Minister, and the action shall not abate by reason of a change of the person holding that office.

Taxes a
first lien

9. All taxes payable under this Act shall be a first charge or lien on the whole or any part of lumber, saw logs, ties, or other timber cut from any timber area, and the said lumber, saw logs, ties, or other timber may be seized and detained by the agents of the Minister in any part of the province until the said taxes are paid or secured.

Lien not to
be defeated

10. No transfer, assignment, sale, mortgage, or delivery to any person of the said lumber, saw logs, ties, or other timber, shall in any way affect or defeat the said lien, and if the lumber, saw logs, ties or other timber, are cut or converted into any other form or mixed or piled with any lumber, saw logs, ties, or other timber, upon which the said tax has been paid, in such a way that their identity cannot be ascertained, the lumber, saw logs,

ties, or other timber, or the product thereof, with which they have been so mixed or piled shall be deemed to be subject to the lien in respect of the said unpaid taxes.

11. If the amount of the said unpaid taxes, together with Sale after thirty days the expenses, penalties, and costs of seizure and detention, are not paid or secured within thirty days from the date of the seizure or detention, the Minister may order a sale of the said lumber, saw logs, ties, and other timber, or the product thereof, to be made after such notice as he deems sufficient, and any surplus remaining in the hands of the Treasurer after paying the said taxes, expenses, penalties, and costs, shall be paid to the proprietor, but if a sufficient amount is not realized from such sale to recover the said taxes, expenses, penalties, and costs, the amount remaining unpaid shall be recoverable from the proprietor in the manner hereinbefore provided.

12. In any proceeding under this Act for the collection of Burden of proof on proprietor taxes, or penalties, the burden of proving payment shall lie on the proprietor and not upon the person instituting any prosecution or making any seizure of lumber, saw logs, ties, or other timber.

13. The moneys collected under this Act shall be paid into Taxes to be paid into general revenue fund the general revenue fund of the province at such times as the Provincial Treasurer may direct.

1914

CHAPTER 16.

An Act respecting a Contribution to the Patriotic Fund.

(Assented to October 22, 1914.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

- | | |
|---------------------------------|--|
| Short title | 1. This Act may be cited as " <i>The Patriotic Contribution Act.</i> " |
| Contribution payable | 2. From and after the first day of October, 1914, all salaries, wages, fees and other forms of remuneration payable to any person, within the Province of Alberta, other than a manual labourer temporarily employed by the day, for services rendered to the province, or by reason of the occupation of any provincial office or employment, shall be subject to a deduction of five per centum on all payments, or portions of payments, up to and including \$125.00 in any month and to a deduction of ten per centum on the excess of all payments over \$125.00 in any month. |
| Accounting | 3. The Provincial Treasurer shall collect and place the said deductions in a fund to be known as " <i>The Patriotic Fund</i> " and shall keep a detailed account of all collections and disbursements. |
| Administration and disbursement | 4. The said fund shall be administered by the Provincial Treasurer under the direction of the Lieutenant Governor in Council and shall be paid to The Canadian Patriotic Fund in the proportions of one-half to The North Alberta Patriotic Fund and one-half to The South Alberta Patriotic Fund. |
| Repeal | 5. This Act shall continue in force until repealed by proclamation of the Lieutenant Governor in Council. |

1914

CHAPTER 17.

An Act respecting Transfers of Executions and Judgments.

(Assented to October 22, 1914.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. Subject to the approval of the Inspector of Legal Offices the sheriff of the judicial district from which any territory is detached and transferred to or included in any other district, shall transmitt to the sheriff of such other district all, wholly or partially-unexecuted writs of execution, which affect any execution debt or residing in such transferred territory, and thereafter such writs shall have the same effect, and the power and duties of the sheriff to whom they have been transmitted shall be those that would have arisen if the writs had been originally directed to him.

2. If a sheriff has made a seizure in any territory before it is transferred to another judicial district the writ of execution under which it was made shall be retained by him and he shall continue the proceedings thereunder as if no transfer of the territory had been made; provided, that if any portion of the judgment debt remains unpaid after such proceedings are completed, the writ shall be forwarded to the sheriff of the district to which such territory has been transferred, under the provisions of the last preceding section.

3. After the transfer of a writ of execution from one judicial district to another the execution creditor may obtain a copy of the judgment or order upon which such writ was issued, duly certified by the proper officer of the court in which the same was entered, and if such copy is filed in the office of the Supreme or District Courts in the district to which the writ has been transmitted it shall become a judgment or order of record in the said office, and thereafter all writs, renewals and proceedings, under or upon the said judgment or order may be issued, taken or done, in or from the said office.

4. This Act shall be deemed to have been in force on, from and after the first day of September, 1914.

1914

CHAPTER 18.

An Act respecting Circuses and Travelling Shows.

(Assented to October 22, 1914.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

Short title

1. This Act may be cited as "*The Travelling Shows Act.*"

Circuses, etc.,
not to be
exhibited
without
license

2. No menagerie, circus, wild west show, trained animal show or show of any kind whatsoever shall be exhibited at any place in Alberta, unless the owner, proprietor, manager, agent or person in charge of such show has obtained a license for that purpose from the Provincial Secretary.

License fee

3. Every applicant for a license shall make and file in the office of the Provincial Secretary a statutory declaration setting forth the number of days upon which the show is to be exhibited in Alberta, and the localities in which the performances or exhibitions are to be held and for such license shall pay to the Provincial Secretary the sums following for every day upon which the show is to be exhibited in Alberta:

For every circus, menagerie or wild west show and not more than one side show:

In every city \$250.00

In every town or village 50.00

For each additional side show 10.00

For every trained animal show where there is no equestrian exhibition:

In every city \$25.00

In every town or village 15.00

For each side show 10.00

For every carnival or collection of side shows not connected with any circus, menagerie or wild west show \$25.00

And for every other show such sum as may be determined by the Provincial Secretary for every day upon which the show is licensed to be exhibited.

License fee
for certain
shows to be
fixed by the
Provincial
Secretary

4. If any such show is exhibited as part of an industrial exhibition or agricultural fair the applicant shall pay such license fee as the Provincial Secretary may impose, but not in excess of the fees fixed by section 3 for the particular class of show and the Provincial Secretary may have regard to any special circumstances of the case and may if he deems it advisable impose a nominal fee.

5. Any license issued under the provisions of section 3 hereof may be revoked at any time by the Provincial Secretary, if it appears to his satisfaction that the show is made the occasion for violation of the law or that gambling or any game of chance has been carried on in connection therewith. Power to revoke licenses

6. Any person in charge of a show or the owner, proprietor, manager or person having control thereof who exhibits the same or any part thereof without holding a license shall be liable to a penalty, upon summary conviction before a justice of the peace, of not less than \$200 and not more than \$300 for every day upon which such show or any part thereof has been exhibited in any place in Alberta. Penalty for unlicensed exhibition

7. No municipality shall issue a license to any show to which section 2 applies until the applicant produces a license from the Provincial Secretary authorizing its exhibition in Alberta and any member or officer of the municipality who is a party to the issue of a license in violation of the provisions of this section shall be liable to a penalty of \$20 upon summary conviction before a justice of the peace. License when municipality to issue

8. Every constable shall have access free of all charge to all shows mentioned in section 2 and every horse race, agricultural, horticultural or industrial exhibition, ball game, theatre or public gathering and to the grounds, tents and buildings in which such shows, races, exhibitions and gatherings are held during the hours the public are admitted thereto and any person hindering, preventing or refusing such free access after any such officer has demanded such admission and displayed his badge of office shall incur a penalty not exceeding \$100 and not less than \$50, or in the discretion of the convicting justice or justices such person may be imprisoned for any term not exceeding three months. Constables have free access to all shows

9. All sums payable for licenses, penalties, expenses of seizure and costs, under this Act, shall be a first charge or lien on all the goods and chattels constituting or in any way used or connected with any menagerie, circus, wild west trained animal, or other show, and such goods and chattels may be seized without any warrant by any constable or agent of the Provincial Secretary in any part of the province, and may be detained by him until the said sums are paid and forwarded to the Provincial Secretary.

10. No transfer, assignment, sale, mortgage, or delivery of possession to any person shall in any way affect or defeat the said lien, and if the said sums are not paid within ten days after the date of seizure, the Provincial Secretary may order the said goods and chattels to be sold upon such notice as he deems sufficient.

11. It shall be the duty of the chief constable of every municipality to demand production of a license granted under this Act from the person in charge of any such menagerie or show and to notify the Provincial Secretary if its production is refused.

12. In every prosecution under this Act the burden of proving payment for and possession of a license shall rest upon the owner, manager, agent, or person in charge of the menagerie or show.

1914

CHAPTER 19.

An Act to amend Chapter 10 of the Statutes of Alberta, 1910 (2nd Session), respecting the Raising of Loans Authorized by the Legislature.

(Consolidated in c. 10, 1910 (2).)

1914

CHAPTER 20.

An Act to amend The Alberta Insurance Act.

(Repealed—See Chapter 8, 1915, sec. 102.)

1914

CHAPTER 21.

An Act to amend Chapter 89 of the Consolidated Ordinances, 1898, intituled "The Liquor License Ordinance," and amendments thereto.

(Consolidated in C.O. 1915, c. 89.)

1914

CHAPTER 22.

An Act to amend Chapter 24 of the Statutes of Alberta, 1911-12, intituled "The Pool Room Act," and amendments thereto.

(Consolidated in Chapter 24, 1911-12.)

1914

CHAPTER 23.

**An Act to amend Chapter 24 of the Statutes of Alberta,
1913 (2nd Session), intituled "The Brand Act."**

(Consolidated in Chapter 24, 1913 (2).)

1914

CHAPTER 24.

**An Act to amend Chapter 6 of the Statutes of Alberta,
1911-12, intituled "The Motor Vehicles Act."**

(Consolidated in Chapter 6, 1911-12.)

1914

CHAPTER 25.

An Act for Raising Money on the Credit of the General Revenue of Alberta.

(Assented to October 22, 1914.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding Four million dollars for any or all of the purposes following, that is to say: for the public service; for the covering of any debt of the province on open account; for paying any floating indebtedness of the province; for the carrying on of public works authorized by the Legislature; and for the satisfaction or discharge of any obligations of the province; and for such other purposes as may be authorized by the Legislature. 1915, c. 9, s. 1.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding fifty years at a rate not exceeding five per centum per annum, and shall be raised upon the credit of the General Revenue Fund of the Province of Alberta and shall be chargeable thereon. 1915, c. 9, s. 1.

1914

CHAPTER 26.

An Act to provide for the Relief of the Springbank Irrigation District.

(Assented to October 22, 1914.)

WHEREAS The Springbank Irrigation District is indebted to the holders of debentures issued by the said district and is unable to meet the principal sum of said debentures; And whereas the said district has, by its petition, prayed that the province make provision for the relief of the said district in the payment of the said indebtedness;

And whereas there is still owing on the said debentures the principal sum of \$25,000.00 and for interest and costs the approximate sum of \$15,000.00;

And whereas it is expedient to grant relief upon certain terms and conditions;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. That the Lieutenant Governor in Council be and is hereby authorized to direct the Provincial Treasurer to pay the said principal sum of \$25,000.00 to the holders of said debentures of The Springbank Irrigation District, upon the production of evidence by the holders of the said debentures that the said district has paid or has made satisfactory arrangements with them to pay the costs, interest and all other liability in connection with the said debenture indebtedness.

1914

CHAPTER 27.

An Act to Authorize the Guarantee of Certain Securities of the Edmonton, Dunvegan and British Columbia Railway Company.

(See also 1911-12, c. 16; 1915, c. 21.)

(Assented to October 22, 1914.)

WHEREAS the Edmonton, Dunvegan and British Columbia Railway Company, a company incorporated by an Act of the Parliament of Canada, is authorized to construct a line of railway from Edmonton through Dunvegan to the western boundary of the province running south of Lesser Slave Lake;

And whereas by an Act of the Province of Alberta being chapter 16 of the Acts of 1911-12, the Lieutenant Governor in Council of the province was authorized to guarantee the payment of the principal and interest of the bonds, debentures, debenture stock or other securities of the company in respect of the said line of railway to the extent of twenty thousand dollars a mile and in respect of three hundred and fifty miles thereof;

And whereas it is expedient to authorize the guarantee by the Government of certain securities to be issued by the company and to be secured upon the balance of the said line being that portion of the said line from a point distant three hundred and fifty miles from Edmonton to the western boundary of the province, a distance of sixty-one miles;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council is hereby authorized on such terms and conditions not inconsistent with the provisions of this Act as may be agreed upon with the Edmonton, Dunvegan and British Columbia Railway Company (hereinafter called the company), to guarantee the payment of the principal and interest of the bonds, debentures, debenture stock or other securities (hereinafter called the securities) of the company in respect of that portion of the line of the Edmonton, Dunvegan and British Columbia Railway Company (being the line recited in the first recital hereof) from a point distant three hundred and fifty miles from Edmonton to the western boundary of the province, a distance of sixty-one miles to the extent of twenty thousand dollars a mile of such mileage and upon the terms hereinafter set forth.

2. The certificate of the Minister of Railways of the Province of Alberta as to the mileage of the said line shall, for the purposes of this Act and of the guaranteed securities, be conclusive, but the said Minister may issue interim certificates from time to time based upon the estimated mileage with regard

thereto. A final certificate shall ultimately be issued by the said Minister with regard to the said line to accord with the miles and fractions of miles of the said line actually constructed between the points authorized. The said securities may be made payable in whole or in part in lawful money of Canada or in its equivalent in sterling or other money. Interest thereon shall be payable at the rate of four and one-half per cent. per annum half-yearly. The principal shall be payable in thirty years from the passing of this Act.

3. The said securities shall be secured by one or more deeds of trust by way of mortgage or charge to the trustee under the deed of trust securing the securities of the company heretofore guaranteed by the Government, and such deed or deeds of trust shall grant a first mortgage or charge upon the line of railway the securities whereof are hereby authorized to be guaranteed, and the rolling stock and equipment, present and future, acquired for the purposes thereof and the tolls, revenues and income arising and to arise therefrom, and the rights, privileges, franchises and powers of the company now or hereafter held or enjoyed in respect thereof and the operation and maintenance thereof.

4. The kind of securities to be guaranteed, and the form and terms thereof, and the form and terms of the deed or deeds of trust by way of mortgage securing them, and the times and manner of the issue of the securities, and the disposition of the moneys to be raised thereon by sale, pledge or otherwise, pending the expenditure of such moneys and the form and manner of the guarantee or guarantees from time to time or at any time given in respect thereof, shall be such as the Lieutenant Governor in Council may approve.

5. The said guarantee or guarantees shall be signed by the Provincial Treasurer or such other officer as may be designated by the Lieutenant Governor in Council and upon being so signed the Province of Alberta shall become liable for the payment of the principal and interest of the securities guaranteed according to the tenor thereof, and the Lieutenant Governor in Council is hereby authorized to make arrangements for supplying the money necessary to fulfil the requirements of the said guarantee or guarantees and to advance the amount necessary for that purpose out of the general revenue of the province, and in the hands of any purchaser, pledgee or other person acquiring any of such securities the said guarantee or guarantees so signed shall be conclusive evidence that the requirements of this Act with respect to the guaranteed securities and the deed of trust and all matters relating thereto have been complied with.

6. All moneys realized by sale, pledge or otherwise of the securities hereby authorized shall be paid directly by the purchaser, subscriber, pledgee or lender into the bank or banks approved by the Lieutenant Governor in Council to the credit of a special account in the name of the Treasurer of the province or to such other credit as the Lieutenant Governor in Council may direct; and if the money be borrowed by the company upon pledge or otherwise of any of the securities prior to sale thereof, which money shall be paid in as aforesaid, the amount

so paid in shall be deducted from the purchase price subsequently received for the securities so borrowed upon, and the balance only shall be paid in; and securities borrowed upon may after the loans thereon have been paid or discharged by the company be issued or re-issued and shall be secured by the said deed or deeds of trust and entitled to the benefit thereof notwithstanding such loans and payment or discharge. The balances at the credit of the special account or accounts shall be credited with interest at such times and at such rates as may be agreed upon between the company and the bank holding the same, and the said balances shall from time to time be paid out to the company or its nominees in monthly payments as far as practicable as the construction of the said line of railway is proceeded with to the satisfaction of the Government according to the specification fixed by contract between the Government and the company, and from time to time as the said work of construction proceeds the Government shall (subject to the provisions of the next succeeding clause of this Act) out of the said balances, pay to the company or its nominees, in monthly payments as far as practicable such sums as an engineer appointed by the Lieutenant Governor in Council shall certify as justified, having regard to the proportion of the work done upon the said line of railway as compared with the whole work done and to be done thereon. The balance, if any, of the proceeds of such securities which may remain after the completion of the said line of railway shall be paid over to the company or its nominees. Pending completion of the said line of railway the balances at the credit of such special account shall, until paid out as above provided for, be deemed part of the mortgaged premises under said deed or deeds of trust and shall not be taken to be public moneys received by the province.

7. The constructions of the said line of railway shall be begun on or before the first day of October, 1915, and the said line shall be completed and be ready for traffic on or before the first day of October, 1917.

8. The said line shall be constructed to a general standard in all respects, apart from grades and curvature (as to which the character of the country through which the line passes shall be taken into consideration) not inferior to the standard set by the specifications of the balance of the line of the said railway, and to the satisfaction of the Minister of Railways.

9. Any payment by the province of principal or interest on the said securities, pursuant to the guarantee thereof, shall not in any event be taken to affect the liability of the company therefor under the securities so paid or under the deed or deeds of trust securing the payment thereof, but such liability shall remain unimpaired and enforceable by the province against the company. The province shall be subrogated as against the company to all rights, privileges and powers to which the holders of the respective securities so paid were entitled by virtue of such securities, or of the said deed or deeds of trust prior to payment by the province under its guarantee, and shall with respect to the securities so paid be in the same position as a holder of securities upon which the company has made default.

10. Subject to the proviso in this section contained the deed or deeds of trust (hereinafter called the original instruments) securing the securities hereby authorized to be guaranteed may provide for the issue from time to time and ranking *pari passu* with the said securities and without preference or priority one over the other of additional securities of similar kind, tenor and effect in respect of the mileage of the said line, and also additional securities of similar kind, tenor and effect also ranking *pari passu* and without preference or priority as aforesaid in respect of additional lines of railway in the Province of Alberta to be hereafter constructed by the company, but not exceeding twenty thousand dollars (\$20,000) per mile of such additional lines; provided always that before any such additional securities are issued the guarantee by the province of the payment of principal and interest thereof shall have first been authorized and the amount to be issued per mile in respect of such line or lines shall first have been fixed by the Legislative Assembly and that such guarantee shall first have been given pursuant thereto.

11. A supplementary deed or deeds of trust (herein called supplementary instruments) covering the said line in respect of which additional securities are authorized to be issued or such additional lines as aforementioned, as the case may be, in the form approved by the Lieutenant Governor in Council shall from time to time be taken to the trustees of the original instruments, and such additional securities shall be issued under the terms of the original instruments and supplementary instruments which, together with the mortgaged premises covered by the original and supplementary instruments, shall form the security for all the securities issued thereunder in the same manner and with the same effect as if the original instrument and supplementary instrument or instruments formed together but one instrument, and as if all securities issued or to be issued under the original or supplementary instruments were issued under one instrument.

12. Should the constructed mileage of the said line be less than the mileage herein estimated by reason whereof there remains—

A surplus of authorized mileage in respect of which no securities were actually issued or guaranteed; or

A surplus of proceeds of the moneys realized by sale, pledge or otherwise of the guaranteed securities issued in respect thereof,

the Lieutenant Governor in Council may guarantee additional securities in respect of such surplus of mileage or authorize the application of such surplus of proceeds, whichever may be the case, in or in respect of further construction by the company or extensions of the said line or of branches thereof or of other lines of railway in Alberta approved by the Lieutenant Governor in Council.

13. A supplementary deed or deeds of trust covering the mileage further constructed by the company under the last preceding section of this Act shall be taken to the trustees of

the original instruments mentioned in sections 10 and 11 of this Act, and the provisions of section 11 shall, where not inconsistent with this section or with the last preceding section, apply to the supplementary deeds executed under this section and to the securities which may be issued and guaranteed in pursuance thereof.

1914

CHAPTER 28.

An Act to Authorize the Guarantee of Certain Securities of the Central Canada Railway Company.

(See also 1913 (1), c. 46; 1913 (2), c. 7; 1914, c. 28 and 29; 1915, caps. 19 and 36.)

(Assented to October 22, 1914.)

WHEREAS by chapter 7 of the Statutes of Alberta passed in the year 1913 (2nd Session), entitled "*An Act to Authorize the Guarantee of Certain Securities of the Central Canada Railway Company*" (hereinafter called the said Act) provision was made for the guaranteeing by the Province of Alberta of securities in respect of a certain portion of the railway line of the Central Canada Railway Company (hereinafter called the company) which the company was authorized to construct and for the securing of the guaranteed securities by means of certain mortgages or deeds of trust;

And whereas by section 10 of the said Act it was, amongst other things, enacted that provision might be made for the issue from time to time ranking *pari passu* with the securities guaranteed under the said Act and without preference or priority one over the other, of additional securities of similar kind, tenor and effect not exceeding twenty thousand dollars (\$20,000) per mile of additional lines of railway in the Province of Alberta to be thereafter constructed by the company; provided that before such additional securities were issued, the guarantee by the province of the payment of the principal and interest thereof should first have been authorized and the amounts to be issued per mile in respect of such lines should first have been fixed by the Legislative Assembly, and that such guarantee should first have been given pursuant to such authorization;

And whereas it is expedient to authorize the guarantee by the province of additional securities pursuant to the said provision;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council is hereby authorized on such terms and conditions not inconsistent with the provisions of this Act as may be agreed upon with the company to guarantee the payment of the principal and interest of additional bonds, debentures, debenture stock or other securities (hereinafter called additional securities) of the company to the extent and upon the terms hereinafter set forth.

2. The additional securities shall form part of the issue secured by the mortgage or mortgages, deed or deeds of trust securing the guaranteed securities authorized to be issued and guaranteed by the said Act; and the additional securities shall be limited

to the amount represented by \$20,000 per mile of one additional line of railway (hereinafter called the additional line of railway) namely: a line of the company's railway extending from a point on the Edmonton, Dunvegan and British Columbia Railway to or through Grouard in the Province of Alberta, a distance of about fourteen miles.

3. Before the additional securities are issued and guaranteed, such supplementary mortgages or deeds of trust (if any) covering the lines mentioned in the said Act and the additional line of railway as shall be necessary or expedient to be taken, shall as provided in section 11 of the said Act be taken to the trustees of the mortgage or mortgages, deed or deeds of trust securing the guaranteed securities authorized to be issued and guaranteed pursuant to the said Act in the form approved by the Lieutenant Governor in Council.

4. The certificate of the Minister of Railways and Telephones for Alberta as to the mileage of the additional line of railway shall, for the purposes of this Act and of the additional securities, be conclusive.

5. Construction upon the additional line of railway shall be commenced at or before the 31st day of December, 1915, and the said additional line of railway shall be completed and ready for traffic on or before 31st December, 1917.

6. All the provisions of the said Act not inconsistent with the provisions of this Act shall apply to the additional line of railway and to the additional securities issued and guaranteed in pursuance hereof.

CHAPTER 29.

An Act concerning the Central Canada Railway Company.

(See also 1913 (1), c. 46; 1913 (2), c. 7; 1914, caps. 28 and 29; 1915, caps. 19 and 36.)

(Assented to October 22, 1914.)

WHEREAS by chapter 7 of the Statutes of Alberta passed in the year 1913 (2nd Session), intituled "*An Act to Authorize the Guarantee of Certain Securities of the Central Canada Railway Company*" (hereinafter called the said Act) provision was made for the guaranteeing by the Province of Alberta of securities in respect to that portion of the railway line of the Central Canada Railway Company (hereinafter called the company), from a point where the said railway joins the Edmonton, Dunvegan and British Columbia Railway to a point at or near Peace River Landing, thence in a general westerly direction to a point in township eighty-one (81), range four (4), west of the sixth principal meridian, a total distance of 100 miles to the extent of \$20,000.00 per mile of such line;

And whereas the securities of the said company have not yet been sold;

And whereas it is expedient that that portion of the said line of railway from a point on the line of the Edmonton, Dunvegan and British Columbia Railway to the Peace River, a distance of about 50 miles, should be completed as speedily as possible for the purpose of connecting with the navigation of the said Peace River;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Provincial Treasurer is hereby authorized to pay to the said company out of the proceeds of the sale or hypothecation of the securities of the said company, upon the report of the Minister of Railways and Telephones, and the certificate of the Provincial Railway Engineer, a sum or sums not exceeding eighty per cent. (80%) of the actual cost of the said line from the said point on the line of the Edmonton, Dunvegan and British Columbia Railway to the said point at or near Peace River Landing.

2. An amount or amounts not exceeding eighty per cent. of the estimated cost of construction of the said portion of the said line in section 1 hereof mentioned may from time to time pending the disposal of the guaranteed securities of the company in this Act recited be advanced by the Government out of any of the unappropriated funds of the province which the Government is authorized to raise by way of loan for the purpose amongst others of the satisfaction and discharge of any obligation of the

province; provided, however, that the total amount of the said advance shall not exceed the amount of the said guaranteed securities of the company. 1915, c. 19, s. 1.

3. Such advance shall carry interest at such rate (not being less than four and one-half per centum per annum) as the Lieutenant Governor in Council may fix, and shall be secured by a bond, debenture, covenant or other security of the company guaranteed by the Edmonton, Dunvegan and British Columbia Railway Company, the due payment whereof shall be further secured by a first mortgage or charge upon the said line of railway and the rolling stock and equipment, present and future, acquired for the purposes thereof, and the tolls, revenues and incomes arising and to arise therefrom, and the rights, privileges, franchises and powers of the company now or hereafter held and enjoyed in respect thereof, and the operation and maintenance thereof, and the said bond, debenture, covenant or other security shall provide for the payment of the said advance either contemporaneously with the sale, pledge or other disposition of the guaranteed securities of the company in the said recited Act mentioned or in five years from the time of the coming into force of this Act whichever period shall be the shorter. 1915, c. 19, s. 1.

4. The kind of security to be given for the said advance and the form and terms thereof and the form and terms of any deed or any deeds of trust by way of mortgage securing them and the trustee or trustees thereunder shall be such as the Lieutenant Governor in Council may approve and such advance shall save as hereinafter otherwise provided, for all the purposes of section 6 of the said recited Act, be treated as money borrowed by the company upon a pledge of the securities in the said recited Act mentioned. 1915, c. 19, s. 1.

5. Any balance of the said advance not paid out for the completion of the said portion of the said line in section 1 hereof mentioned shall, until repayment of the said advance and interest remain in the special account in said section 6 of the said recited Act mentioned, to be paid out in accordance with the provisions of the said last mentioned section towards the completion of the balance of the said line of railway. 1915, c. 19, s. 1.

NOTE—Chapters 30 to 53 inclusive are Private Acts.

1915

CHAPTER 1.

An Act for Granting to His Majesty Certain Sums of Money for the Public Service of the Fiscal Years ending respectively the Thirty-first day of December, 1914, the Thirty-first day of December, 1915, and the Thirty-first day of March, 1916.

(Assented to April 17, 1915.)

Most Gracious Sovereign:

WHEREAS it appears by Messages from His Honour George Hedley Vicars Bulyea, Lieutenant Governor of the Province of Alberta, and the Estimates accompanying the said Messages, that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Alberta not otherwise provided for during the financial periods ending respectively the Thirty-first day of December, one thousand nine hundred and fourteen, the Thirty-first day of December, one thousand nine hundred and fifteen and the Thirty-first day of March, one thousand nine hundred and sixteen, and for other purposes relating thereto: May it therefore please Your Majesty that it may be enacted and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, as follows:

1. This Act may be cited as "*The Appropriation Act, 1915.*"

2. From and out of the General Revenue Fund there may be paid and applied a sum not exceeding in the whole fifty-six thousand six hundred and twenty-seven dollars and forty-seven cents towards defraying the several charges and expenses of the Public Service from the first day of January to the thirty-first day of December, in the year of our Lord one thousand nine hundred and fourteen; not otherwise provided for and set forth in schedule A to this Act.

3. From and out of the General Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred and sixty-two thousand nine hundred and thirteen dollars and seventy-one cents towards defraying the several charges and expenses of the Public Service from the first day of January to the thirty-first day of December, in the year of our Lord one thousand nine hundred and fifteen, not otherwise provided for and set forth in schedule B to this Act.

4. From and out of the General Revenue Fund there may be paid and applied a sum not exceeding in the whole one million eight hundred and eight thousand and forty-five dollars and

no cents towards defraying the several charges and expenses of the Public Service from the first day of January to the thirty-first day of March, in the year of our Lord one thousand nine hundred and sixteen, not otherwise provided for.

5. The due application of all moneys expended under this Act shall be accounted for.

SCHEDULE A.

Sums granted to His Majesty by this Act for the fiscal year ending December 31, 1914, and the purposes for which they are granted.

CIVIL GOVERNMENT—	
Executive Council.....	\$48. 53
Municipal Affairs Department.....	1,143. 93
	<hr/>
	\$1,192. 46
TELEPHONES—	
Chargeable to Income.....	55,435. 01
	<hr/>
	\$56,627. 47

SCHEDULE B.

Sums granted to His Majesty by this Act for the fiscal year ending December 31, 1915, and the purposes for which they are granted.

EDUCATION.....	\$2,386. 50	
MISCELLANEOUS—		
Chargeable to Income.....	100,000. 00	
Chargeable to Capital.....		\$60,527. 21
	<hr/>	
	\$102,386. 50	\$60,527. 21

1915

CHAPTER 2.

An Act to amend the Statute Law.

(Consolidated in various Acts.)

1915

CHAPTER 3.

An Act to amend The Land Titles Act.

(Consolidated in Chapter 24, 1906.)

1915

CHAPTER 4.

The Married Woman's Home Protection Act.

(Assented to April 17, 1915.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. Any married woman may cause to be filed on her behalf with the registrar an instrument to be known as a married woman's caveat in form WW in the schedule to this Act against the registration of any transfer, mortgage, encumbrance, lease or other instrument made by or on behalf of her husband affecting a homestead as defined in section 2 of this Act.

2. "Homestead" in this Act shall mean the house and buildings occupied by such married woman as her home at the time of the filing of such caveat, or which has been occupied by such married woman as her home within six months prior to the time of the filing of such caveat and the lands, premises and appurtenances thereto occupied thereby or enjoyed therewith.

3. Upon the receipt of such married woman's caveat the registrar shall take the same proceedings as in the case of the filing of any other caveat under this Act.

4. So long as such caveat remains in force the registrar shall not register any transfer, mortgage, encumbrance, lease or other instrument made by or on behalf of the husband purporting to affect the land in respect to which the caveat is filed.

5. No fee shall be charged for the registration of any married woman's caveat.

6. The caveator may by notice in writing to the registrar withdraw her caveat at any time and the registrar shall forthwith give notice in writing of such withdrawal by mail or otherwise to the caveatee.

7. The husband against whose land any such caveat has been filed may at any time thereafter apply to a judge of the Supreme Court of Alberta by originating notice, which shall be served upon the caveator, to remove the married woman's caveat so filed, and upon the hearing of such application the judge to whom the application is made may make such order in the premises as to such judge may seem just.

8. This Act shall be read with and as part of *The Land Titles Act*.

FORM WW.

To the Registrar for.....

Take notice that I,.....the wife of
, the owner of a homestead within the
 meaning of section 2 of *The Married Woman's Home Protection Act* described
 as follows: (*describe land by lot and plan or section number*); and I forbid the
 registration or any transfer, mortgage, encumbrance, lease or other instru-
 ment made by or on behalf of my said husband affecting the said homestead.

I appoint.....as the place at which notices and
 proceedings relating hereto may be served.

Dated this.....day of....., 19.....

.....
 (*Signature of Caveator or her Agent.*)

1915

CHAPTER 5.

An Act respecting the Property of Intestates dying without Next-of-kin.

(Assented to April 17, 1915.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. When any person dies intestate owning any real or personal property and without leaving any next-of-kin or other person entitled thereto by the law of Alberta, such property shall immediately on his death vest in His Majesty in his right of Alberta, and the Attorney General may cause possession thereof to be taken in the name of His Majesty in his said right; or if possession is withheld may cause an action to be brought in the Supreme Court of Alberta for the recovery thereof.

(2) The proceedings in the action may be in all respects similar to those in other actions in the said court.

2. The Lieutenant Governor in Council may grant any property which has vested or which hereafter vests in His Majesty by virtue of this Act or any part thereof, or any interest therein, to any person for the purpose of transferring or restoring the same to any person having a legal or moral claim upon the person to whom the same had belonged, or of carrying into effect any disposition thereof which such person may have contemplated, or of rewarding any person giving information with respect to such property as to the Lieutenant Governor in Council may seem meet, and if possession of the property is withheld the person to whom the grant is made may institute, in any court of competent jurisdiction, proceedings for the recovery thereof.

3. As to the property of any person who has died on or since the first day of September, 1905, and prior to the passing hereof this Act shall apply and be effective and be deemed to have been effective as if the same had been passed on the first day of September, 1905.

1915

CHAPTER 6.

An Act respecting Public Utilities, to Create a Public Utility Commission, and to prescribe its Powers and Duties.

(Assented to April 17, 1915.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Public Utilities Act.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires—

(a) The expression "board" means the Board of Public Utility Commissioners appointed under this Act;

(b) The expression "public utility" means and includes every corporation other than municipal corporations (unless such municipal corporation voluntarily comes under this Act in the manner hereinafter provided), and every firm, person or association of persons, the business and operations whereof are subject to the legislative authority of this province, their lessees, trustees, liquidators, or receivers appointed by any court that now or hereafter own, operate, manage or control any system, works, plant or equipment for the conveyance of telegraph or telephone messages or for the conveyance of travellers or goods over a railway, street railway, or tramway, or for the production, transmission, delivery, or furnishing of a water, gas, heat or light power, either directly or indirectly, to or for the public; also, the Alberta government telephones, now managed and operated by the Department of Railways and Telephones;

(c) The expression "charter" means any special or general legislative Act of the province or Ordinance of the North-West Territories by or by virtue of which a corporation or company is incorporated, and the letters patent issued in virtue of any such Act or Ordinance;

(d) The expression "local authority" shall mean and include the council of a city, town, village or rural municipality, the board of trustees of a school district and the directors, or other officers of any corporation doing business under *The Municipal Telephone Act*.

3. This Act is applied—

(a) To all public utilities as hereinbefore defined, which are now or may hereafter be owned or operated by or under the control of the government of the province;

(b) To all such public utilities that shall be owned or operated by or under the control of any company or corporation that is subject to the legislative authority of the province; and

(c) To every person, company or corporation owning or operating any public utility as hereinbefore defined including railway, street railway, or tramway to which the jurisdiction of the province extends, but not including any railway, street railway, tramway or other public utility owned and operated by any municipality which has not passed a by-law under section 4 hereof.

4. This Act shall not apply to any public utility owned or operated by any municipal corporation unless and until the same is brought under this Act by an order of the Lieutenant Governor in Council, which may be made upon and after the due passing of a by-law by the council of any municipality requesting that all or any public utilities operated by the municipality be made subject to this Act.

COMMISSION BOARD.

5. There shall be a board to be known as the Board of Public Utility Commissioners, to be composed of three members to be appointed by the Lieutenant Governor in Council, one of whom shall be appointed as chairman and shall be entitled to hold the position of chairman as long as he continues a member of the board. The board shall be a court of record and shall have an official seal of such design as shall be provided by the Lieutenant Governor in Council and such seal shall be judicially noticed.

6. Each of the commissioners shall hold office during good behaviour for a period of ten years from the date of appointment, but shall be removable by the Lieutenant Governor on address of the Legislative Assembly. A commissioner shall devote the whole of his time to the performance of his duties under this Act and shall not accept or hold any office or employment inconsistent with this section, nor shall he, directly or indirectly—

(a) Hold, acquire or become interested in for his own behalf any stock, share, bond, debenture or other security of any public utility;

(b) Have any interest in any device, appliance, machine, patent, process or article, or in any part thereof, which may be used for the purpose of the business of a public utility; nor shall he, directly or indirectly, hold, purchase or become interested in any stock, debenture or other security of a local authority in Alberta or become concerned or interested in a bargain or contract for the construction of any work made with or on behalf of any such local authority or become or remain a member of any company which deals in the securities of local authorities or is concerned or interested in any such bargain or contract. If any such thing, or interest therein, is the property of any commissioner when he is appointed to his office, or if thereafter and while he holds such office he acquires the same by succession or by will, he shall, within six months after such appointment or subsequent acquisition, as the case may be, alienate the same or his interest therein.

7. A commissioner shall cease to hold office upon reaching the age of seventy years.

8. A commissioner, on expiration of the term of his office, if not disqualified by age, shall be eligible for reappointment.

9. The commissioners shall, during their term of office, reside in such places as the Lieutenant Governor in Council from time to time determines.

SITTINGS.

10. The Lieutenant Governor in Council shall fix the place where the board shall sit and shall have its office, and shall also provide it with suitable quarters, furniture and facilities for the holding of its sittings and the transaction of its business generally.

11. Whenever circumstances render it expedient to hold a sitting of the board elsewhere than in the place fixed by the Lieutenant Governor in Council, the board may hold such sitting in any part of the province.

EXPERTS.

12. The Lieutenant Governor in Council may, upon the recommendation of the board, from time to time appoint one or more experts, or persons having technical or special knowledge of the matter in question, to inquire into and report to the board and to assist the board in an advisory capacity in respect of any matter before it.

SECRETARY.

13. There shall be a secretary of the board who shall be appointed by the Lieutenant Governor in Council and who shall hold office during his pleasure.

14. It shall be the duty of the secretary—

- (a) To attend all sessions of the board;
- (b) To keep a record of all proceedings conducted before the board;
- (c) To have the custody and care of all records and documents of the board;
- (d) To obey all rules of practice and directions which may be made or given by the board touching his duties or office;
- (e) To have every order and rule of practice of the board drawn pursuant to the direction of the board signed by the chairman or other duly authorized officer, sealed with the official seal of the board and filed in the office of the secretary.

(2) The secretary shall keep suitable books of record, in which he shall enter a true copy of every such order and rule of practice, and every other document which the board shall order to be entered therein, and such entry shall constitute and be the original record of any such order or rule of practice.

(3) Upon application of any person, and on payment of such fees as the Lieutenant Governor in Council may prescribe, the secretary shall deliver to such applicant a certified copy of any such order, rule of practice or other document.

15. In the absence of the secretary, the board may replace him temporarily.

LIABILITY OF OFFICIALS.

16. No member or officer of the board, nor any employee under its control, shall be personally liable for anything done by him under the authority of this Act.

REMUNERATION.

17. The members, secretary and other officials or appointees of the board shall receive such remuneration as may be fixed by the Lieutenant Governor in Council.

18. Whenever the board, acting within its jurisdiction, appoints or directs any person, other than a member of its staff, to perform any service required by this Act, such person shall be paid therefor such sum for services and expenses as the Lieutenant Governor in Council may, upon the recommendation of the board, determine.

19. The above remuneration, and all the expenses incurred by the board in the performance of its duties, including all reasonable travelling expenses of the members and secretary, and of such members of the staff of the board as may be required by the board, shall be paid monthly, out of the consolidated revenue fund of the province.

JURISDICTION AND POWERS OF BOARD.

20. The board shall have jurisdiction—

(a) In all questions relating to the transportation of goods or passengers on the lines of any tramway company or street railway company or steam railway company under the jurisdiction of the Legislature of Alberta as herein defined or on any parts thereof; and for such purpose it may authorize or require any such company to carry goods or passengers on its lines or any part thereof for any period of time and at such prices as it may fix;

(b) Whenever it is made to appear to the board, upon the complaint of any public utility, or of any person or persons having an interest, present or contingent, in the matter respecting which the complaint is made, that there is reason to believe that the tolls demanded by any public utility exceed what is just and reasonable, having regard to the nature and quality of the service rendered or of the commodity supplied, and in such case it may proceed to hold such investigation as it sees fit into all matters relating to the nature and quality of the service or the commodity in question, or to the performance of such service and the tolls or charges demanded therefor, and may make such order respecting the improvement of the commodities or services and as to the tolls or charges demanded, as seems to it to be just and reasonable, and may disallow or change, as it thinks reasonable, any such tolls or charges as, in its opinion, are excessive, unjust or unreasonable or unjustly discriminate between different persons or different municipalities;

the whole, however, subject to such of the provisions of any contract existing between such public utility and a municipality at the time such complaint is made as the board shall consider fair and reasonable;

(c) In all cases arising when a public utility having the right to enter a municipality for the purpose of placing therein, with or without the consent of the municipality, its rails, posts, wires, pipes, conduits or other appliances, upon, along, across, over or under any public road, street, square, watercourse or part thereof, cannot come to any agreement with such municipality, as to the use, as aforesaid, of the roadway or the watercourse in question, or as to the terms and conditions of such use, and applies to the commission for permission to use such roadway or watercourse, or to fix the terms and conditions of such use; and in such case the board may permit, as aforesaid, the use of such roadway or watercourse, and prescribe the terms and conditions thereof;

(d) In all questions arising whenever a public utility, being unable to extend its system, line or apparatus from a point where it lawfully does business to another point or points where it is authorized to do business, without placing its rails, posts, wires, pipes, conduits or other apparatus upon, along, across, over or under some public road, street, square, watercourse or part thereof, which it cannot lawfully so use without the consent of the municipal corporation having control of the same, and being unable to come to an agreement with the said municipal corporation, applies to the board for permission to such public road, street, square, watercourse or part thereof; and, for the purpose of such extension only, and without unduly preventing the use thereof by other persons or companies already lawfully using the same, the board may permit such use, notwithstanding any law or contract granting any other person or corporation exclusive rights with respect thereto, but shall prescribe the terms and conditions upon which such public utility may use such road, street, square or watercourse, or part thereof;

(e) In all contestations arising between a public utility and a municipality with reference to the performance of the terms and conditions mentioned in paragraphs (c) and (d) of this section; and the board may change such terms and conditions if, in its opinion, such changes are necessary or desirable;

(f) Upon the complaint of any municipality that a public utility doing business in such municipality fails to extend its services to any part of such municipality, and after hearing the parties and their witnesses, and making such inquiry into such matter as it sees fit, may order the extension of such services and the conditions under which the same shall be done, including the cost of all necessary works, which it may apportion between the public utility and the municipality in any matter it deems equitable;

(g) Subject to the terms of any contract between any public utility and any municipality, and of the franchise or rights of the public utility, to define or prescribe the terms and conditions upon which a public utility shall or may use, for any of its purposes as a public utility, any highway or any public bridge or subway constructed or to be constructed by the municipality, or two or more municipalities, and to enforce compliance with such terms and conditions.

21. The board shall have a general supervision over all public utilities subject to the legislative authority of the province, and may make such orders regarding equipment, appliances, safety devices, extension of works or systems, reporting and other matters, as are necessary for the safety or convenience of the public or for the proper carrying out of any contract, charter or franchise involving the use of public property or rights. The board shall conduct all inquiries necessary for the obtaining of complete information as to the manner in which public utilities comply with the law, or as to any other matter or thing within the jurisdiction of the board.

22. The fact that a receiver, manager or other official of any public utility, or a sequestrator of the property thereof, has been appointed by any court in the province, or is managing or operating a public utility under the authority of any such court, shall not prevent the exercise by the board of any jurisdiction conferred by this Act; but every such receiver, manager or official shall be bound to manage and operate any such public utility in accordance with this Act and with the orders and directions of the board, whether general or referring particularly to such public utility; and every such receiver, manager or official, and every person acting under him, shall obey all orders of the board within its jurisdiction in respect of such public utility, and be subject to have them enforced against him by the board, notwithstanding the fact that such receiver, manager, official or person is appointed by, or acts under the authority of, any court.

23. The board shall have power—

(a) To investigate, upon its own initiative or upon complaint in writing, any matter concerning any public utility as herein defined;

(b) From time to time to appraise and value the property of any public utility as herein defined, whenever in the judgment of the said board it shall be necessary so to do, for the purpose of carrying out any of the provisions of this Act, and in making such valuation the board may have access to and use any books, documents or records in the possession of any department or board of the province or any municipality thereof;

(c) After hearing, upon notice, by order in writing, to fix just and reasonable individual rates, joint rates, tolls, charges or schedules thereof, as well as commutation, mileage and other special rates which shall be imposed, observed and followed thereafter by any public utility as herein defined, whenever the board shall determine any existing individual rate, joint rate, toll, charge or schedule thereof or commutation, mileage or other special rate to be unjust, unreasonable, insufficient or unjustly discriminatory or preferential;

(d) After hearing, upon notice, by order in writing, to fix just and reasonable standards, classifications, regulations, practices, measurements or service to be furnished, imposed, observed and followed thereafter by any public utility as herein defined;

(e) To require every public utility as herein defined to file with it complete schedules of every classification employed and of every individual or joint rate, toll, fare or charge made, charged

or enacted by it for any product supplied or service rendered within this province as specified in such requirement;

(f) To impose and enforce regulations for the safety and protection of employees of any public utility;

(g) To impose and enforce regulations in case of accidents, howsoever happening, in or about a public utility or the operation thereof, and for the remedying of the cause thereof and prevention of recurrence;

(h) After hearing, upon notice, by order in writing, to direct any railroad or street railway company to establish and maintain at any junction or point of connection or intersection with any other line of said road, or with any line of any other railroad, street railway or traction company, such just and reasonable connections as shall be necessary to promote the convenience of shippers of property, or of passengers, and in like manner to direct any railroad, street railway or traction company engaged in carrying merchandise to construct, maintain and operate, upon reasonable terms, a switch connection with any private sidetrack, which may be constructed by any private shipper to connect with the railroad or street railway where, in the judgment of the board, such connection is reasonable and practicable and can be put in with safety, and will furnish sufficient business to justify the construction and maintenance of the same.

24. Where it is in the public interest or where, as a means of saving expense, it is in the interest of any public utilities, that there be joint user of the means of distribution, such as poles, conduits or other equipment, the board may, after notice to all parties concerned, in cases where it shall be practicable, order such joint user and declare the terms thereof, and by such order or subsequent order make such provisions as may be necessary for the convenient and effectual carrying out of the work, and the operation of the services by means of the equipment so to be jointly used.

25. For the purpose of clearing and improving the appearance of streets, and wherever it may be found practicable to do so, the board may, after notice to all parties concerned, direct that the wires known as span wires of street railway companies shall, on any street or part of a street, be affixed to buildings on the properties abutting on the street. No such direction shall be made as to involve any expense to the owner of any such building, but the expense shall be paid by the municipality or street railway company, or by the two jointly, as the board may direct. Such directions shall be given and the work shall be so carried out as to cause no permanent injury to the building or inconvenience to the owner or occupant thereof. The necessary access to the building for this purpose shall be afforded and, in case of any question affecting the same, the board shall give proper directions.

26. In considering and acting upon any application or matter before the board involving the question of rates to be charged for service by any public utility, the board shall not make any ruling or direction to raise rates for any such service beyond what the owners of any public utility may desire to impose.

27. The board shall have power, after hearing, upon notice, by order in writing, to require every public utility as herein defined—

(a) To comply with the laws of this province and any municipal ordinance or by-law affecting the public utility, and to conform to the duties imposed upon it thereby, or by the provisions of its own charter or by any agreement with any municipality or other public utility;

(b) To furnish safe, adequate and proper service and to keep and maintain its property and equipment in such condition as to enable it to do so;

(c) To establish, construct, maintain and operate any reasonable extension of its existing facilities where, in the judgment of said board, such extension is reasonable and practicable and will furnish sufficient business to justify the construction and maintenance of the same, and when the financial condition of the said public utility reasonably warrants the original expenditure required in making and operating such extension;

(d) To keep its books, records and accounts so as to afford an intelligent understanding of the conduct of its business, and to that end to require every such public utility of the same class to adopt a uniform system of accounting, which system may be prescribed by the board;

(e) To furnish periodically, and whenever the board shall require, a detailed report of finances and operations, in such form and containing such matters and verified in such manner as the board may from time to time by order prescribe;

(f) To carry, whenever in the judgment of the board it may reasonably be required, for the protection of stockholders, bondholders or creditors, a proper and adequate depreciation account in accordance with such rules, regulations and forms of account as the board may prescribe; the board shall from time to time ascertain and determine, and by order in writing after hearing, fix proper and adequate rates of depreciation of the property of each public utility, in accordance with such regulations or classifications, which rates shall be sufficient to provide the amounts required over and above the expense of maintenance to keep such property in a state of efficiency corresponding to the progress of the industry; each public utility shall conform its depreciation accounts to the rates so ascertained, determined and fixed, and shall set aside the moneys so provided for out of earnings and carry the same in a depreciation fund; the income from investments of moneys in such fund shall likewise be carried in such fund; this fund shall not be expended otherwise than for depreciation, improvements, new constructions, extensions or additions to the property of such public utility;

(g) To give such notice to the board as it may by order require of any and all accidents which may occur within this province upon the property of any public utility as herein defined or directly or indirectly arising from or connected with its maintenance or operation, and to investigate any such accident, and the board may make such order or recommendation with respect thereto as in its judgment may be just and reasonable.

28. Said board shall have power to require every public utility as herein defined to file with the board a statement in writing, verified by the oaths of the president and secretary thereof,

respectively, setting forth the name, title of office or position, and post office address, and the authority, power and duties of every officer, member of the board of directors, trustee, executive committee, superintendent, chief or head of construction and operation, or department, division or line of construction and operation thereof, in such form as to disclose the source and origin of each administrative act, rule, decision, order or other action of the corporation, and shall, within ten days after any change is made in the title of, or authority, powers or duties appertaining to any such office or position, or the person holding the same, file with the board a like statement, verified in like manner, setting forth such change.

RESTRICTION ON POWERS OF PUBLIC UTILITIES.

29. No public utility as herein defined shall—

(a) Make, impose or exact any unjust or unreasonable, unjustly discriminatory or unduly preferential individual or joint rate, commutation rate, mileage or other special rate, toll, fare, charge or schedule for any product of service supplied or rendered by it within this province;

(b) Adopt or impose any unjust or unreasonable classification in the making or as the basis of any individual or joint rate, toll, fare, charge or schedule for any product or service rendered by it within this province;

(c) Adopt, maintain or enforce any regulation, practice or measurement which shall be unjust, unreasonable, unduly preferential, arbitrarily or unjustly discriminatory or otherwise in violation of law; nor shall any public utility as herein defined provide or maintain any service that is unsafe, improper or inadequate, or withhold or refuse any service which can reasonably be demanded and furnished when ordered by said board;

(d) Make, or give, directly or indirectly, any undue or unreasonable preference or advantage to any person or corporation or to any locality or to any particular description of traffic in any respect whatsoever, or subject any particular person or corporation or locality or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever;

(e) Issue any stocks, stock certificates, bonds or other evidences of indebtedness, payable in more than one year from the date thereof, until it shall have first obtained authority from the board for such proposed issue; it shall be the duty of the board, after hearing, to approve of any such proposed issue maturing in more than one year from the date thereof, when satisfied that the same is to be made in accordance with law and the purpose of such issue be approved by said board;

(f) Capitalize any franchise to be a corporation; capitalize any franchise in excess of the amount (exclusive of any tax or annual charge) actually paid to the province or any municipality thereof as the consideration of such franchise; capitalize any contract for consolidation, merger or lease; issue any bonds or other evidence of indebtedness against or as a lien upon any contract for consolidation, merger or lease; provided, however, that the provisions of this paragraph shall not prevent the issuance of stock, bonds or other evidences of indebtedness,

subject to the approval of said board, by any lawfully merged or consolidated public utilities not in contravention of the provisions of this paragraph;

(g) Without the approval of the board, sell, lease, mortgage or otherwise dispose of or encumber its property, franchises, privileges or rights, or any part thereof; or merge or consolidate its property, franchises, privileges or rights, or any part thereof, with that of any other public utility as herein defined; every sale, lease, mortgage, disposition, encumbrance, merger or consolidation made in violation of any of the provisions hereof shall be void and of no effect; nothing herein contained shall be construed in any wise to prevent the sale, lease or other disposition by any public utility as herein defined of any of its property in the ordinary course of its business.

30. No public utility as herein defined, incorporated under the laws of this province, shall sell, nor shall any such public utility make or permit to be made upon its books any transfer of any share or shares of its capital stock to any other public utility as herein defined, unless authorized to do so by the board; nor shall any public utility as herein defined, incorporated under the laws of this province, sell any share or shares of its capital stock or make or permit any transfer thereof to be made upon its books, to any corporation, domestic or foreign, the result of which sale or transfer, in itself or in connection with other previous sales or transfers, shall be to vest in such corporation a majority in interest of the outstanding capital stock of such public utility corporation unless authorized to do so by the board. Every assignment, transfer, contract or agreement for assignment or transfer by or through any person or corporation to any corporation in violation of any of the provisions hereof shall be void and of no effect, and no such transfer shall be made on the books of any public utility corporation. Nothing herein contained shall be construed to prevent the holding of stock heretofore lawfully acquired.

31. In the case of a public utility which has for its object the construction, working or maintaining of telegraph, telephone or transmission lines, or the delivery or sale of water, gas, heat, light or power, the following conditions shall be fulfilled, over and above those which may be prescribed by the board, that is to say—

(a) The public utility shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway or free access to any building;

(b) The public utility shall not permit any wire to be less than sixteen feet above such highway or public place, or erect more than one line of poles along any highway;

(c) All poles shall be as nearly as possible straight and perpendicular;

(d) The public utility shall not unnecessarily cut down or mutilate any shade, fruit or ornamental tree;

(e) The opening up of any street, square or other public place, for the erection of poles, or for the carrying of wires underground, shall be subject to the supervision of such person as the municipal

council may appoint, and such street, square or other public place shall, without unnecessary delay, be restored as far as possible to its former condition;

(f) If, in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed by cutting or otherwise, the public utility shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires and poles; and in default of the public utility so doing such person may remove such wires and poles at the expense of the public utility.

(2) The public utility shall be responsible for all unnecessary damage which it causes in carrying out, maintaining or operating any of its said works.

(3) The public utility, unless ordered by the board, shall not be entitled to compensation on account of its poles or wires being cut by order of the officer in charge of the fire brigade at any fire if, in the opinion of such officer, it is advisable that such poles or wires be cut.

(4) Every person engaged in erecting or repairing any line or instrument of the public utility shall have conspicuously attached to his dress a badge on which are legibly inscribed the name of the public utility and a number by which he can be readily identified.

(5) Nothing in this section shall be deemed to authorize the public utility to sell or distribute water, gas, light, heat, power or electricity in cities, towns or villages without having previously obtained by by-law the consent of the municipality thereto, unless such public utility has authority therefor by its charter.

32. No change in any existing individual rates, joint rates, tolls, charges or schedules thereof or any commutation, mileage or other special rates shall be made by any public utility, nor shall any new schedule of any such rates, tolls or charges be established until such changed rates or new rates are approved by the board, when they shall come into force on a date to be fixed by the board, and the board shall have power, either upon written complaint or upon its own initiative, to hear and determine whether the proposed increases, changes or alterations are just and reasonable. The burden of proof to show that any such increases, changes or alterations are just and reasonable shall be upon the public utility seeking to make the same.

33. Every municipality operating any form of public utility service shall keep the accounts thereof in the manner prescribed by the board for the accounting of similar public utilities, and shall file with the said board such statements thereof as it may be directed so to do by said board.

34. No railway company within the legislative authority of this province shall, without first obtaining the approval of the board, abandon any railway station or stop the sale of passenger tickets, or cease to maintain an agent to receive and discharge freight, at any station now or hereafter established in this province, at which passenger tickets are now or may hereafter be regularly sold, or at which such agent is now or may hereafter be maintained.

35. No highway shall be constructed across the tracks of any such railway company at grade, nor shall the tracks of any such railway company, or of any street railway or traction company be laid across any highway, so as to make a new crossing at grade, nor shall the tracks of any such railway or street railway or traction company be laid across the tracks of any other railway or street railway or traction company, without first obtaining therefor permission from the board; provided, however, that this section shall not apply to the replacement of lawfully existing tracks.

36. Whenever it appears to the board that a public highway and a railway within the legislative authority of this province cross one another, or that a public highway and a street railway cross one another, or that such a railway and a street railway cross one another at the same level, and that conditions at such grade crossing make it necessary for the protection of the travelling public at such grade crossing that gates be erected or that some other reasonable provision for the protection of the travelling public at such grade crossing should be adopted, the board may order and direct such railway company or such street railway company, or either or both of them, to install such protective device or devices or adopt such other reasonable provision for the protection of the travelling public at such crossing as in the discretion of the board shall be necessary.

37. No privilege or franchise hereafter granted to any public utility as herein defined, by any municipality of this province shall be valid until approved by said board, such approval to be given when, after hearing, said board determines that such privilege or franchise is necessary and proper for the public convenience and properly conserves the public interests, and the board shall have power in so approving to impose such conditions as to construction, equipment, maintenance, service or operation as the public convenience and interests may reasonably require.

38. Where, by any general or special Act, a public utility is authorized to amalgamate with any other public utility, such amalgamation shall be subject to the consent of the board, and shall have no effect until the order authorizing the same is published in *The Alberta Gazette*.

ENFORCEMENT OF ACT—PROCEDURE.

39. Every municipal council, whenever it deems that the interests of the public in a municipality or in a considerable part of a municipality are sufficiently concerned, may by resolution authorize the municipality to become a complainant or intervenant in any matter within the jurisdiction of the board; and for that purpose the council is authorized to take any steps and to incur any expense and to take any proceedings necessary to submit the question in dispute to the decision of the board, and if necessary to authorize the municipality to become a party to an appeal therefrom.

40. If the Attorney General, a municipality or any party interested makes a complaint to the board that any public utility, municipal corporation, company or person has unlawfully done or unlawfully failed to do, or is about unlawfully to do, or unlawfully not to do, something relating to a matter over which the board has jurisdiction as aforesaid, and prays that the board do make some order in the premises, the board shall, after hearing such evidence as it may think fit to require, make such order as it thinks proper under the circumstances.

41. The board may make rules of practice, not inconsistent with this Act, regulating its procedure and the times of its sittings. Such rules of practice shall come into force from the date of their publication in *The Alberta Gazette*.

42. Any summons to a witness may be signed by a member of the board or by the secretary of the board, and shall be served in the same manner as a like summons is served in the Supreme Court of Alberta.

43. The board may issue commissions to take evidence outside of Alberta, and make all proper orders for the purpose and for the return and use of the evidence so obtained.

44. The board shall, as respects the costs of all proceedings before it, the attendance and examination of witnesses, the production and inspection of tariffs, contracts, papers, books, accounts, and all other documents, the enforcement of its orders, the entry on and inspection of property, the punishment of contempt of court and other matters necessary or proper for the due exercise of its jurisdiction, or for carrying this Act into effect, have all such powers, rights and privileges as are vested in the Supreme Court of Alberta or a judge thereof, including the ordering of costs to be paid by any party in its discretion.

(2) When costs are ordered to be paid by any party to any other party, the same shall be fixed by the board.

45. The board may in its discretion accept and act upon evidence by affidavit or written affirmation or by the report of any officer or engineer appointed by it or obtained in such other manner as it may decide.

46. All hearings and investigations before the board shall be governed by rules adopted by the board, and in the conduct thereof the board shall not be bound by the technical rules of legal evidence.

47. No person shall be excused from testifying or from producing any book, document or paper in any investigation or inquiry by or upon the hearing before said board, when ordered so to do by the board, upon the ground that the testimony or evidence, book, document or paper required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing con-

cerning which he shall, under oath, have testified or produced documentary evidence; provided, however, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained is intended to give, or shall be construed as in any manner giving to any corporation immunity of any kind. No member or employee of the board shall be required to give testimony in any civil suit to which the board is not a party, with regard to information obtained by him in the discharge of his official duty.

48. The board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute pending before the board, or any matter or thing over which the board has jurisdiction under this Act or any other Act, and may order and direct by whom and in what proportion the costs and expenses incurred in making such inquiry and report shall be paid, and may fix the amount of such costs and expenses.

49. Sheriffs, deputy sheriffs, bailiffs, constables and other peace officers shall be *ex officio* officers of the board and shall aid, assist and obey the board in the exercise of its jurisdiction conferred by this Act or any other Act whenever required so to do, and shall, upon the certificate of the secretary, be paid like fees as for similar services in the Supreme Court of Alberta.

50. The board or any person authorized by the board to make inquiry or report, may—

(a) Enter upon and inspect any place, building or works being the property or under the control of any public utility;

(b) Inspect any works, structure, rolling stock or other property of such public utility;

(c) Require the attendance of all such persons as he thinks fit to summon and examine and take the testimony of such persons;

(d) Require the production of all books, plans, specifications, drawings and documents;

(e) Administer oaths, affirmations or declarations; and shall have the like powers to summon witnesses, enforce their attendance, and compel them to give evidence and produce the books, plans, specifications, drawings and documents, which it or he may require them to produce, as is vested in any court in civil cases.

51. Every order made by the board shall be served upon the person or public utility, as herein defined, affected thereby, within ten days from the time said order is signed, or within such longer time as the board may direct, by personally delivering or by mailing a certified copy thereof, in a sealed package, with postage prepaid, to the person to be affected thereby, or, in case of a public utility, to any officer or agent thereof upon whom a summons may be served in accordance with the provisions of the law in this province. All orders of the board to continue service or rates in effect at the time said order is made shall be immediately operative; all other orders shall become effective

upon the date specified therein, which shall be at least twenty days after the date of said order, unless the board shall, for good reason, specially provide for an earlier date.

52. The board may order and require any company or person or municipal corporation to do forthwith, or within or at any specified time, and in any manner prescribed by the board, so far as is not inconsistent with this Act or any other Act, any act, matter or thing which such company or person or municipal corporation is or may be required to do under this Act or any other Act, or any regulation, order or direction of the board, or under any agreement, and may forbid the doing or continuing of any act, matter or thing which is contrary to this Act, or any other Act, or any such regulation, order, direction or agreement, and shall have full jurisdiction to hear and determine all matters, whether of law or of fact, and shall, as respects the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders, the entry on and inspection of property, and other matters necessary or proper for the due exercise of its jurisdiction under this Act or any other Act, or otherwise for carrying this Act or any other Act, or any such regulation, order, direction or agreement into effect, have all such powers, rights and privileges as are vested in the Supreme Court of Alberta.

53. In case default shall be made in the doing of any act, matter or thing, which the board may direct to be done by the company or person or municipal corporation required to do the same, the board may authorize such person as it may see fit to do the act, matter or thing, and in every such case the person so authorized may do such act, matter or thing, and the expense incurred in the doing of the same may be recovered from the company or person or municipal corporation in default as money paid for and at the request of such company or person or corporation and the certificate of the board of the amount so expended shall be conclusive evidence thereof.

54. The observance of the orders of the board may be enforced by a written direction to the sheriff of any judicial district endorsed upon or annexed to a certified copy of any such order and signed by the said board, and in the case of an order for payment of any money, costs, expenses or penalty, the sheriff receiving such direction shall levy the amount with his costs and expenses in like manner and with the same powers as if the order were an execution against the goods of the party to pay issued out of the Supreme Court of Alberta.

(2) In the case of an order of the board for payment of any money, costs, expenses or penalty, a certificate of the order signed by the secretary may be registered in the office of any registration district or land titles office in the province, and when so registered shall constitute a lien and charge upon any lands or interest therein of the party or person or company ordered to pay the money in the registration district or land titles district in which such office is situated to the same extent and in the same manner as such lands would be bound by the registration of an execution issued after judgment in the Supreme Court of Alberta. The amount ordered to be paid by any

such order so registered may be realized in the same manner and by similar proceedings as the amount of any registered execution of the Supreme Court of Alberta.

55. The board may take such steps and employ such persons as are necessary for the enforcement of any order made by it and for the purposes thereof may forcibly or otherwise enter upon, seize and take possession of the whole or part of the movable and immovable property of such public utility, together with the books and offices thereof, and may, until such order has been enforced, assume and take over the management of the business thereof for and in the interest of the shareholders and the public, and all or any of the powers, duties, rights and functions of the directors and officers of the public utility in all respects, including the employment and dismissal of officers and servants thereof, for such time as the board continues to direct such management.

(2) Upon the board so taking possession of such property, it shall be the duty of every officer and employee of the public utility to obey the orders of the board or of such person or persons as it places in authority in the management of any or all departments of the undertaking.

(3) The board may, upon so taking possession of such undertaking and property, determine, receive and pay out all moneys due to or owing by the public utility, and give cheques, acquittances and receipts for moneys to the same extent and as fully as the proper officers thereof could do if no such possession had been taken.

(4) The costs and expenses of and incidental to proceedings to be taken by the board under this section shall be in the discretion of the board, and the board may direct by whom and to what extent they shall be paid.

56. If it is proved that a public utility has not complied with an order given by the board, and if it is of opinion that there are no effectual means of compelling the public utility to obey such order, the board, as an alternative, shall transmit to the Attorney General a certificate, signed by the board and secretary, setting forth the nature of the order and the default of the public utility in complying therewith. Such default so established shall be ground, after public notice in *The Alberta Gazette* of the receipt of the said certificate by the Attorney General, for an action to dissolve the public utility or to annul the letters patent incorporating it. The proceedings upon such action shall be governed by the rules in force under *The Supreme Court Act* as nearly as may be.

57. The board may, if the special circumstances of any case so require, make a provisional order after notice, and in cases of urgency, without notice, authorizing, requiring or forbidding anything to be done which the board would be empowered, in a contested case, to authorize, require or forbid; and such provisional order shall remain in force until the final decision of the board, or in case of appeal, until the final judgment of the court *en banc*.

(2) If a provisional order has been made without notice, any interested party may, at any time before final order or judgment, apply by petition to have the same modified or set aside.

58. The board may direct in any order that such order or any portion thereof shall come into force at a future time, or upon the happening of any contingency, event or condition in such order specified, or upon the performance, to the satisfaction of the board, or person named by it, of any terms which the board may impose upon any party interested, and the board may direct that the whole or any portion of such order shall have force for a limited time, or until the happening of a specified event.

59. When in the exercise of the powers conferred upon it by this Act or by any special Act the board directs any structure, appliances, equipment or works to be provided, constructed, reconstructed, altered, repaired, installed, used or maintained, it may order by what company, municipality or persons interested and when or within what time and upon what terms and conditions as to the payment of compensation or otherwise, and under what supervision such work shall be carried out.

60. When any order of the board requires any work, act or thing to be performed or done within a specified time, the board may, upon notice, extend the time so specified.

61. No order involving any outlay, loss or deprivation to any public utility, municipality or person shall be made without due notice and full opportunity to all parties concerned, to make proof to be heard at a public sitting of the board, except in case of urgency, and, in such case, as soon as practicable thereafter, the board shall, on the application of any party affected by such order, rehear and reconsider the matter and make such order as shall seem just.

62. Upon application made for that purpose, the board may, after hearing the parties and their witnesses, revise, change or annul a decision, order or rule previously given or made.

(2) The board at any time may order a rehearing and extend, revoke or modify any order made by it.

63. Every public utility shall, as soon as possible after having received or having been served with any order or other document of the board, notify the same to each of its or his officers and servants performing duties which are or may be affected thereby, by delivering a copy to him or by posting up a copy in some place where his work or duties or some of them are to be performed.

64. The decision of the board upon any question of fact or law within its jurisdiction shall be final and be *res judicata*.

BOARD DOCUMENTS AS EVIDENCE.

65. Copies of all official documents and orders filed or deposited in the office of the board, certified by the board, or by the secretary,

to be true copies of the originals, under the official seal of the board, shall be evidence in like manner as the originals in all courts of this province, and the board or secretary may charge and collect for such copies ten cents for each folio; the fees so collected shall be paid into the treasury of the province.

66. Every document purporting to be signed by the board and secretary, or either of them, or by any officer of the board shall, without proof of any such signature, be *prima facie* evidence in all courts, and shall be sufficient notice to the public utility and all parties interested (if duly served therewith) that such document was duly signed and issued by the board or officer of the board, as the case may be; and, if such document purports to be a copy of any regulation, order, direction, decision or report, and when duly served on the public utility, or any person, shall be sufficient notice to the public utility, or any person, of such regulation, order, direction, decision or report from the time of such service.

ANNUAL REPORT.

67. The board shall, in the month of January in each year, transmit to the chairman of the Executive Council, for the year ending on the thirtieth day of November previous, a report showing briefly—

(a) Applications to the board and summaries of the orders made thereon;

(b) The number and the nature of the inquiries which it has held of its own motion;

(c) Such matters as the Lieutenant Governor in Council directs.

(2) The report shall be laid before the Legislative Assembly during the first fifteen days of the then next session, or within fifteen days after its receipt if the legislature shall be then sitting.

68. A substantial compliance with the requirements of this Act shall be sufficient to give effect to all the rules, orders, acts and regulations of the board, and they shall not be declared inoperative, illegal or void for any omission of a technical nature in respect thereto.

APPEAL.

69. The decision of the board upon any question of fact or law within its jurisdiction, and as to whether any company, municipality or person is or is not a party interested within the meaning of this Act, shall be binding and conclusive upon all companies and persons and municipal corporations and in all courts.

(2) The board shall have exclusive jurisdiction in all cases and in respect of all matters in which jurisdiction is conferred on it by this Act, or by any other Act, and, save as herein otherwise provided, no order, decision or proceeding of the board shall be questioned or reviewed, restrained or removed by prohibition, injunction, *certiorari* or any other process or proceeding in any court, even when the question of its jurisdiction is raised.

(3) No order of the board need show upon its face that any proceeding or notice was had or given, or any circumstance existed, necessary to give it jurisdiction to make such order.

(4) In determining any question of fact, the board shall not be concluded by the finding or judgment of any other court in any suit, prosecution or proceeding involving the determination of such fact, but such finding or judgment shall, in proceedings before the board, be *prima facie* evidence only.

(5) The pendency of any suit, prosecution or proceeding in any other court, involving questions of fact, shall not deprive the board of jurisdiction to hear and determine the same questions of fact.

70. An appeal shall lie to the court *en banc* from any final decision of the board upon any question involving the jurisdiction of the board, but such appeal can be taken only by permission of the court *en banc* and upon notice of intention to appeal being given to the board and the parties within fifteen days from the day on which the decision of the board has been served upon each of the parties or his solicitor. The costs of such application and appeal shall be in the discretion of the court *en banc*.

71. The time for appeal shall begin to run from the day on which the decision of the board has been served upon the party or upon his solicitor.

72. When the petition to appeal has been granted the appeal shall be brought by a *praecipe* filed in the office of the secretary of the board and with the registrar of the Supreme Court within eight days after the permission to appeal has been granted. The *praecipe* must contain a statement of the names of the parties and their addresses, the date of the order appealed from, and a statement of its effect and of the grounds of the appeal, and the date, hour and place when and where the security hereinafter mentioned will be given, and, in case money is not deposited as security, the names and addresses of the proposed surety or sureties. After the *praecipe* has been filed and within the said eight days a copy of it must be served upon the adverse party or parties.

73. At the time mentioned in the *praecipe*, which must be within five days after the filing of it, or within such further time as the board may order, the appellant shall give security before the secretary of the board in conformity, as nearly as may be, with the rules governing the giving of security for costs in an action in the Supreme Court.

74. In other respects the proceedings upon appeals taken in virtue of this Act, until final judgment by the court *en banc*, shall be in conformity, as nearly as may be, with the rules governing appeals in the Supreme Court.

75. The court *en banc* shall thereafter determine the matter referred to it, or upon which the appeal is taken, and shall make such order as shall appear just and shall adjudge the costs of such appeal in its discretion and order that the record be trans-

mitted to the secretary of the board by the registrar of the Supreme Court, who shall annex to the record a copy of the judgment of the court, and there shall be no appeal from such judgment. Payment of any costs so ordered may be enforced in the same manner as payment of costs ordered by the board to be paid.

76. Every order of the board shall go into effect at the time prescribed by the order, and its operation shall not be suspended by any such appeal to the court *en banc* unless otherwise ordered by the said court *en banc*; but the board itself may suspend the operation of its order, when appealed from, until the decision of the court *en banc* is rendered, if the board thinks fit.

GENERAL PROVISIONS.

77. Every municipal corporation owning or operating any public utility within the meaning of this Act may, by by-law of the council thereof, approved of by the Lieutenant Governor in Council, provide that such public utility shall come under the operation of this Act and be subject to the control and orders of the said board; and, if any such by-law is so passed and approved, the public utility owned and operated by such municipality shall thereafter come under the operation of this Act and under the control and management of the said board.

78. Any proceeding in any court of this province directly affecting an order of the board, or to which the board is a party, shall have preference over all other civil proceedings pending in such court.

79. If, for any reason, any section or provision of this Act shall be questioned in any court, and shall be held to be unconstitutional or invalid, no other section or provision of this Act shall be affected thereby.

PENALTIES.

80. In default of compliance with any order of the board, when the same shall become effective, the person or public utility affected thereby shall be subject to a penalty of one hundred dollars per day for every day during which such default continues, the amount of such penalty to be fixed and determined by the board by order signed by it under the seal of the board.

81. Any person who shall knowingly and wilfully perform, commit or do, or participate in performing, committing or doing, or who shall knowingly or wilfully cause, participate or join with others in causing, any public utility or corporation or company to do, perform or commit, or who shall advise, solicit, persuade or knowingly and wilfully instruct, direct or order any officer, agent or employee of any public utility, corporation or company, to perform, commit or do any act or thing forbidden or prohibited by this Act, shall be guilty of an offence against this Act.

82. Any person who shall knowingly and wilfully neglect, fail or omit to do or perform, or who shall knowingly and wilfully

cause or join or participate with others in causing any public utility, corporation or company to neglect, fail or omit to do or perform, or who shall advise, solicit or persuade, or knowingly or wilfully instruct, direct or order any officer, agent or employee of any public utility, corporation or company to neglect, fail or omit to do, any act or thing required to be done by this Act, shall be guilty of an offence against this Act.

83. Any public utility, corporation or company which shall perform, commit or do any act or thing hereby prohibited or forbidden, or which shall neglect, fail or omit to do or perform any act or thing hereby required to be done or performed by it, shall be guilty of an offence against this Act.

84. Every person or public utility guilty of an offence under this Act shall, in addition to all other penalties, be liable, on summary conviction before a police magistrate or two justices of the peace, to a fine of not less than fifty dollars nor more than five hundred dollars, besides costs of prosecution, and, in default of payment, if an individual, to imprisonment for a term not exceeding six months.

85. This Act shall not have the effect to release or waive any right of action by the board or by any person for any right, penalty or forfeiture which may have arisen, or which may arise, under any of the laws of this province, and any penalty or forfeiture enforceable under this Act shall not be a bar to or affect the recovery for a right, or affect or bar any action at law or prosecution, against any public utility, or person or persons operating such public utility, its officers, directors, agents or employees.

ADDITIONAL POWERS.

86. In addition to the powers hereinbefore granted, the board shall have power—

(a) To inquire into the merits of any application of a local authority for permission to raise money by way of debenture or upon the security of stock, and to grant or refuse such permission;

(b) To manage, notwithstanding anything in any city charter, town charter or *The Town Act*, the sinking fund of any local authority which desires to intrust the same to the board for management;

(c) To supervise the expenditure of moneys borrowed by a local authority under this Act;

(d) To obtain from any local authority at any time a statement in detail of its assets and liabilities and of its revenue and expenditures for any definite period.

87. The officials of any local authority, to whom the board makes application for statements, reports, copies of documents or information of any kind, shall furnish the required statements, copies or information to the board free of cost.

(2) The registrars of land titles in the different land registration districts throughout the province shall furnish the board with such certificates and certified copies of documents as the board

may in writing require without charge, and the board or any member or official of the board thereunto authorized may at any time search in the public records of the land titles offices without charge.

(3) The board shall have all the power and authority to compel persons to attend and testify under oath or affirmation as to matters connected with any investigation or inquiry which it is authorized to make and to produce books and documents, and all the power and authority to preserve order and punish for contempt, which may be exercised by a police magistrate or justice of the peace in respect of criminal or *quasi* criminal matters pending before him.

88. When a local authority desires to provide for the raising of a loan by way of debenture or upon the security of stock for the purpose of any work or undertaking, the acquisition of property or any other object within its jurisdiction, application shall be made to the board for permission to do so.

89. In the case of a city or town such application shall be made prior to, or forthwith after, the first reading of a by-law providing for the loan and before such by-law is submitted to a vote of the persons authorized to vote thereon, and no further action shall be taken by the council upon the by-law until the authorization of the commissioners has been obtained as hereinafter provided.

90. In the case of villages and rural municipalities the council shall continue to follow the procedure now provided by *The Village Act* and *The Rural Municipality Act*, respectively, for obtaining leave to borrow money, save that hereafter application for such leave shall be made to and the power to grant such authority shall vest in the board instead of the Minister of Municipal Affairs as now provided in the said Acts; and whenever in sections 75, 76, 77, 79 and the second line of section 78 of *The Village Act*, and in sections 227, 238, 239 and the second line of section 240 of *The Rural Municipality Act*, reference is made to the Minister of Municipal Affairs, the said reference shall be deemed to apply to the board.

91. In the case of school districts the school boards shall continue to follow the procedure laid down in *The School Ordinance* for obtaining permission to borrow money, save that hereafter application for such authority shall be made to and the power to grant such permission shall vest in the board instead of the Minister as now provided in the said Ordinance; and whenever in sections 108, 110, 112 and the fourth line only of section 128 of *The School Ordinance*, reference is made to the Minister, and when in subsection (2) of section 109 and in section 127 of *The School Ordinance* reference is made to the department, the reference shall be deemed to apply to the board.

92. Every application shall be addressed to the secretary of the board and shall be accompanied in the case of applications by the councils of cities and towns by a copy of the by-law dealing with the proposed loan, in other cases by the documents prescribed by the various statutes governing the application.

PROCEDURE BY THE BOARD.

93. The board in conducting its inquiry and in arriving at its decision shall consider the nature of the work, undertaking or other object of the proposed loan, the necessity or expediency of the same, the financial position of the local authority and all such other matters as in the opinion of the board may call for consideration.

94. The board, in the course of an inquiry, shall have power to summon and examine on oath any person whose evidence it may desire to obtain and may fix a date for the hearing of all parties interested in the granting or refusing of an application, in which case it may order that proper public notice be given of the hearing.

95. When a local authority proposes to borrow money by way of debenture or other security for the purpose of establishing or extending any system of waterworks or of constructing, altering or extending any common sewer or system of sewerage, the board shall not grant the permission applied for until the certificate of the provincial board of health approving of the proposed undertaking has first been obtained, as provided by sections 11 or 12, as the case may be, or under the provision of section 13 of *The Public Health Act*.

96. All debentures issued by local authorities shall contain, in addition to other particulars required by law, a note or memorandum under the seal of the board, signed by the chairman or, in his absence, by one of the other commissioners, authorizing the issue:

Provided, however, that nothing contained in this section or in any other section of this Act shall be deemed to repeal any of the provisions concerning the countersigning of debentures or of debenture coupons by a Minister contained in any Act now in force in Alberta.

97. In case the board undertakes the management of the sinking fund of a local authority it shall be at liberty to invest the same in all or any of the securities in which trustees having trust money in their hands are authorized to invest it under *The Trustee Ordinance*; and it shall have all the powers and authorities conferred upon sinking fund trustees by city charters, town charters and *The Town Act* respectively; and the treasurer of the local authority shall be subject to the control and requisition of the board and shall deposit the sinking fund as required by the city charter, town charter or *The Town Act*, as the case may be.

98. It shall be the duty of the Provincial Auditor to arrange for an annual audit of the accounts of the board in connection with sinking funds and their management, and an inspection of the books and records of the board connected with such funds for the preceding financial year, and such audit and inspection shall be under the supervision of the Provincial Auditor and the costs and expenses thereof shall be paid by the board as part of the cost of managing the funds at its disposal.

SUPERVISION OF EXPENDITURE.

99. In case the board undertakes to supervise the application of any moneys borrowed by a local authority under this Act, the board, its auditor, engineer, inspector or other person appointed to make an inquiry or report, may—

(a) Enter upon and inspect any place, building or works, the property or under the control of the local authority, the entry or inspection of which appears to it requisite;

(b) Require the attendance of all such persons as it or he thinks fit to summon and examine, and require answers or returns to such inquiries as it or he thinks fit to make;

(c) Require the production of all material, books, papers, plans, specifications, drawings and documents;

(d) Administer oaths, affirmations or declarations; and shall have the like power of enforcing the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders, and other matters necessary or proper for the due exercise of its jurisdiction as is vested in the Supreme Court of Alberta in respect of any cause or matter properly before it.

FEES.

100. There shall be paid on every application for permission to raise money by way of loan on debentures or stock and for services performed by the board in inquiring into the merits of applications or in managing the investing of a sinking fund such fees as shall be fixed by the board with the approval of the Lieutenant Governor in Council.

GENERAL.

101. The Lieutenant Governor in Council shall have power to make all provisions not inconsistent with this Act which may be required for the better carrying its purposes into effect.

102. This Act shall come into force on a date fixed by proclamation.

1915

CHAPTER 7.

An Act to amend The Libel and Slander Act.

(Consolidated in Chapter 12, 1913 (2).)

1915

CHAPTER 8.

An Act respecting Insurance.

(Assented to April 17, 1915.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Alberta Insurance Act.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires—

1. "Actuarial solvency" shall mean the solvency of an insurance corporation when its actuarial liabilities are charged or treated as present liabilities;

2. "Agent" shall include any person who undertakes or assists or aids another to undertake insurance; and shall also include an insurance broker;

3. "Accident insurance" means insurance against bodily injury and death by accident, including the liability of employers for injuries to persons in their employment;

4. "Automobile insurance" shall include insurance against accidental bodily injury or death to the driver of an automobile, insurance against loss or damage from accident or injury suffered by an employee or other person caused by an automobile and for which the owner thereof is liable, insurance against loss or damage to property from an accident caused by an automobile, and insurance against loss or damage to an automobile by fire, accident, burglary or theft;

5. "Beneficiary" shall include every person entitled to insurance money, and the executors, administrators and assigns of any person so entitled;

6. "Cash-mutual company" means a company organized to transact mutual insurance, but empowered to undertake contracts of insurance on both the cash plan and the premium note or mutual plan;

7. "Certificate of authority" means any certificate issued by the superintendent of insurance entitling the holder to act as an insurance agent within the province;

8. "Company" means and includes any company or corporation, or any society or association, incorporated or unincorporated, or any firm or partnership, or any underwriter, except a friendly society, that undertakes or effects for valuable consideration, or agrees or offers so to undertake or effect, in the province, any contract of insurance within the meaning of this Act;

9. "Contract" means and includes any contract or agreement, sealed, written, or oral, the subject matter of which is within the intent of paragraph 20 hereof;

10. "Credit insurance" means insurance against the insolvency of debtors or against loss from giving or extending credit;

11. "Dominion company" means a company licensed under authority of the Parliament of the Dominion of Canada;

12. "Dominion insurance corporation" means an insurance corporation licensed under authority of the Parliament of the Dominion of Canada;

13. "Fidelity insurance" means insurance against the dishonesty, unfaithfulness, negligence, or default of employees, or trustees, or persons occupying public or private positions of duty, trust, confidence or agency;

14. "Foreign company" means any company other than a Dominion company, not incorporated by or under the authority of the legislature;

15. "Foreign insurance corporation" means any insurance corporation other than a Dominion insurance corporation not incorporated by or under the authority of the legislature;

16. "Friendly society" shall include any corporation, society, association, or fraternity, benevolent, mutual, provident, industrial or co-operative, or the like, which does not carry on insurance for profit, and which through the mutual co-operation of its members furnishes to such members or to their families, relatives, dependents, or other designated beneficiaries upon a specified contingency aid, protection, or benefit;

17. "Guarantee insurance" shall include "credit insurance," "fidelity insurance," and "title insurance," and any contract whereby the insurer undertakes suretyship, or undertakes to pay money or perform a contract, trust or duty on default of another who is in the first instance liable for such payment or performance;

18. "Inland marine insurance" means marine insurance in respect of subjects of insurance at risk in Canada above the harbour of Montreal;

19. "Inland transportation insurance" means insurance against loss or damage to goods, wares, merchandise or property of any kind including matter transmitted by mail, in transit, otherwise than by water, from place to place in Canada;

20. "Insurance" shall include the following, whether the contract be one of primary insurance, or of reinsurance, and whether the premium payable be a sum certain, or consist of sums uncertain or variable in time, number or amount:

- (a) Insurance against death, sickness, infirmity, casualty, accident, disability or any change of physical or mental condition, whether payable in money, services or otherwise;
- (b) Insurance against financial loss; or against loss of work, employment, practice, custom, wages, rents, profits, income or revenue;
- (c) Insurance of property against any loss or injury from any cause whatsoever, whether the obligation of the insurer is to indemnify by a money payment or by restoring or reinstating the property insured;
- (d) Contracts of endowment, assessment endowment, tontine, semi-tontine, lifetime benefits, annuities on lives, or

- contracts of investment involving tontine or survivorship principles for the benefit of persisting members; and any contract of investment involving life contingencies;
- (e) Any contract made in consideration of a premium and based on the expectancy or expectation or probability of life; and any contract made, on such consideration and having for its subject the life, safety, health, fidelity or insurable interest of any person, whether the benefit under the contract is primarily payable to the assured or to a donee, grantee or assignee, or to trustees, guardians or representatives, or to or in trust for any beneficiary, or to the assured by way of indemnity or insurance against any liability incurred by him by or through the death or injury of any person;
 - (f) Any investment contract under which lapses or payments made by discontinuing members or investors accrue to the benefit of persisting members or investors, except where a corporation other than an insurance corporation is expressly authorized to undertake such contract by a statute in force in Alberta;
 - (g) Generally any contract in the nature of any of the foregoing whereby the benefit under the contract accrues payable on or after the occurrence of some contingent event;
21. "Insurance on the cash plan" means insurance given for a money consideration without premium note;
22. "Insurance corporation" shall include any company and any friendly society as defined by this Act;
23. "Investment insurance" means insurance against loss of either principal or interest, or both, of moneys lent, invested, or secured on mortgages or debentures, and loss of deposits and loans of every kind to any person at home or abroad, and includes insurance against loss of rentals by any cause except fire;
24. "Legislature" means the Legislative Assembly of Alberta;
25. "Mutual insurance" means insurance given in consideration of a premium note or undertaking with or without any immediate cash payment thereof; and the expression "mutual company" means a company empowered solely to transact mutual insurance;
26. "Offer to undertake" shall include the setting up of a sign or inscription containing the name of the insurance corporation, and the distribution or publication of any proposal, circular, card, advertisement, printed form, or like document, in the name of the insurance corporation, or any written or oral solicitation on its behalf;
27. "Officer" shall include any trustee, director, manager, treasurer, secretary or member of the board or committee of management of a corporation or any person appointed by the corporation, to sue and be sued in its behalf;
28. "Person" shall, unless the context otherwise requires, include any company or corporation, any society or association, incorporated or unincorporated, and any firm or partnership;
29. "Plate glass insurance" means insurance against the breaking of plate or other glass, either local or in transit;
30. "Policy" shall include any contract of insurance within the meaning of this Act;

31. "Premium note" means an instrument given as consideration for insurance whereby the maker undertakes to pay such sum or sums as may be legally demanded by the insurer, the aggregate of such sums not to exceed an amount specified in the instrument;

32. "Province" means the Province of Alberta;

33. "Provincial company" means any company incorporated by or under the authority of the legislature;

34. "Provincial insurance corporation" means any insurance corporation incorporated by or under the authority of the legislature;

35. "Registered" means entered in the register of the superintendent;

36. "Sickness insurance" means insurance against loss through illness not ending in death, or disability not arising from accident or old age;

37. "Steam boiler insurance" means insurance against loss or damage to life, person, or property, caused by the explosion of steam boilers, or engines or pipes connected therewith or operated thereby;

38. The expression "superintendent" and "superintendent of insurance" means any superintendent of insurance appointed under this Act, and shall include his deputy;

39. "Title insurance" shall include insurance whereby the insurer insures the validity of title to property, real or personal, or insures the legality and validity of written obligations or of other instruments;

40. "Treasurer" means the Treasurer of the Province of Alberta, or any member of the Executive Council to whom from time to time may be transferred, either for a limited period or otherwise, the powers and duties which are by this Act assigned to the Treasurer;

41. "Undertake" shall include undertake, or negotiate, or solicit, or agree, or offer to undertake;

42. "Written" as applied to any instrument, shall include written or printed, or partly written and partly printed.

3. Every insurance corporation which undertakes insurance within the province other than the renewal from time to time of life insurance policies shall pay to the superintendent, for the use of the province, an annual tax as follows:

1. Every company undertaking—

(a) Life insurance.....	\$300.00
(b) Fire, storm, cyclone, tornado, inland marine, inland transportation and sprinkler leakage insurance.....	300.00
(c) Hail insurance.....	200.00
(d) Accident, sickness and guarantee insurance.....	200.00
(e) Plate glass insurance.....	50.00
(f) Storm, cyclone and tornado insurance.	50.00
(g) Inland marine and inland transportation insurance.....	50.00
(h) Sprinkler leakage insurance.....	50.00
(i) Mutual fire insurance—	
(i) If provincial.....	50.00
(ii) If Dominion or foreign.....	100.00
(j) One or more of all other classes of insurance...	100.00

2. Every underwriter's agency undertaking one or more of all classes of insurance	\$100.00
3. Every friendly society, having less than one hundred members in the province, undertaking any one or more of the classes of insurance named in the following sub-section	25.00
4. Every friendly society, having one hundred members or more in the province, undertaking—	
(a) Sickness and funeral benefit insurance, and having its head office—	
(i) Within Canada	25.00
(ii) Without Canada	50.00
(b) Life insurance, including sickness and funeral benefit insurance, and having its head office—	
(i) Within Canada	50.00
(ii) Without Canada	100.00

5. Save as in this section provided, every insurance corporation shall pay a separate tax in respect of each class of insurance undertaken by it, and no insurance corporation other than a Dominion insurance corporation, undertaking life insurance, shall undertake any other class of insurance, except as in this section provided;

6. The tax payable by any insurance corporation, not undertaking insurance within the province, before the first day of July in any year shall, except as to the undertaking of hail insurance, be such proportion of the annual tax as the Lieutenant Governor in Council shall by order determine.

4. All taxes imposed upon any insurance corporation by this Act shall become due and payable immediately on the undertaking of insurance by it within the province, and on the first day of January in each and every year thereafter, and if any such taxes are not paid within sixty days from the time when the same became due and payable there shall be added thereto by way of a penalty a sum equal to fifty per centum of such taxes remaining unpaid and such sum shall form a part of the said taxes and be recoverable therewith.

5. The superintendent shall keep a register in which he shall enter the name of every insurance corporation which has paid all taxes due by it, and shall, subject to the provisions of section 18, issue to any such insurance corporation a receipt or certificate of payment thereof in such form as he shall determine.

6. A certificate of payment of taxes shall confer on the insurance corporation named therein the same corporate rights (except as is or may be otherwise provided by this or any other Ordinance or Act) as if it had been incorporated by an Act of the Legislature.

(2) No receipt, certificate of payment of taxes, nor the publication of the annual or other report or statement in any Government publication, shall be construed to be a guarantee, warranty or commendation of the financial standing or actuarial solvency of any insurance corporation, nor shall any person orally or in writing so represent.

7. No company, other than a Dominion company, shall undertake insurance in this province if it be a company—

1. Undertaking fire, or fire and inland marine, or fire and accident, or life, or guarantee or suretyship insurance, or hail insurance, unless the amount of its authorized capital stock shall be at least \$500,000, and unless the company shall furnish to the superintendent satisfactory evidence that of the said capital stock at least \$200,000 has been *bona fide* subscribed for and taken up, and that at least \$25,000 of the said subscribed stock has been paid up;

2. Undertaking accident, or sickness, or sickness and accident, or live stock insurance with or without insurance on vehicles, unless the amount of its authorized capital stock shall be at least \$200,000, of which \$100,000 at least shall be shown to have been *bona fide* subscribed for and taken up, and at least \$10,000 paid up;

3. Undertaking only inland marine insurance, or inland transportation insurance, or insurance (other than that referred to in clause 4 hereof) against any loss or damage to property by accidental causes, including explosions, or by reason of larceny, house-breaking or burglary, or any two of the said classes of insurance, unless the amount of its authorized capital stock shall be at least \$100,000 of which at least \$50,000 shall be shown to have been *bona fide* subscribed for and taken up, and at least \$10,000 paid up;

4. Undertaking bicycle or vehicle insurance (other than automobile insurance) or plate glass insurance, or any two or more thereof, unless the amount of its authorized capital stock shall be at least \$25,000, of which \$12,000 at least shall be shown to have been *bona fide* subscribed for and taken up, and at least \$3,000 paid up.

(2) No friendly society other than one licensed by the Dominion of Canada, shall undertake insurance unless its contracts for life insurance require members to pay premiums or assessments on every \$1,000 liability equal to those set out in schedule A hereto, and in addition such further sums as the superintendent considers sufficient to cover the expenses of management.

(3) The Lieutenant Governor in Council may relieve any friendly society other than one licensed under the authority of the Parliament of Canada, licensed to do business in the province prior to the first day of January, 1915, from the application of this section upon any terms and conditions that may seem advisable.

(4) No insurance corporation other than a Dominion insurance corporation shall undertake insurance in the province if the taxes imposed upon it by this Act are in arrear.

8. The Treasurer shall cause to be published yearly in *The Alberta Gazette* a list of registered insurance corporations with the amount of deposit, if any, made by each insurance corporation, and from time to time upon a new insurance corporation becoming registered, or upon the taxes imposed by this Act being unpaid or in arrear, shall publish a notice thereof in *The Alberta Gazette*.

(2) Every registered insurance corporation shall forthwith after issue to it of the receipt or certificate referred to in section

5 publish a notice thereof in two issues of *The Alberta Gazette* and once a week for four weeks in a newspaper published in Edmonton, and shall give the like notice when it ceases to carry on any class of insurance.

9. Every insurance corporation shall forthwith upon becoming registered file with the superintendent the following documents, that is to say:

1. A certified copy of its Act of incorporation, charter or other instrument of association and of its Dominion license, if any;

2. A power of attorney (in form prescribed by the Lieutenant Governor in Council or to the like effect) from the insurance corporation to the superintendent under its seal, if any, and signed by the president and secretary or other proper officer thereof, in the presence of a witness who shall make oath or affirmation as to the due execution thereof and the official positions in the insurance corporation held by the officers signing such power of attorney shall be sworn to or affirmed by some person cognizant of the facts necessary in that behalf; provided that whenever the insurance corporation has by such power of attorney under its seal appointed a general agent for Canada, and has thereby authorized such general agent to appoint chief officers or agents for it in the various provinces of Canada, then, after so filing a copy of the said first mentioned document duly certified by a notary public to be a true copy thereof, powers of attorney executed by the said general agent for Canada under his seal, in the presence of a witness who has by oath or affirmation duly verified the execution thereof, shall be deemed sufficiently executed by the insurance corporation for all the purposes of this Act;

3. A certified copy of any resolution of the insurance corporation authorizing the signatories to such power of attorney to sign the same on its behalf, and such other documents as the superintendent may require;

4. A statement, in such form as may be required by the Treasurer, of the condition and affairs of the insurance corporation on the thirty-first day of December then next preceding, or up to its usual balancing day but such day shall not be more than twelve months before the filing of the statement.

(2) Every company shall pay to the superintendent for the use of the province on filing the said documents a fee of \$10.00.

(3) Every friendly society shall in addition to the documents required to be filed by the first subsection, file the following:

(1) Certified copies of its rules, by-laws and regulations verified to the satisfaction of the superintendent;

(2) An affidavit or statutory declaration that the society is still in existence and legally authorized to undertake insurance under its charter;

(3) Notice of the location of the head office of the society;

(4) Notice of the location of the head office of the society in Alberta;

(5) A certified statement of the society's membership in Alberta;

(6) A schedule of the rates fixed by the society.

(4) Every friendly society shall pay to the superintendent for the use of the province on filing the said documents a fee of \$5.00.

10. After such certified copies and power of attorney are filed as aforesaid, any process in any action, suit or proceeding against the insurance corporation in respect of any liabilities incurred in the province may be served upon its attorney appointed pursuant to the ninth section of this Act, and such notice shall be deemed to be service upon the insurance corporation; provided, however, that nothing herein contained shall render invalid service in any other mode in which the insurance corporation may be lawfully served.

11. Whenever any legal process is served upon the superintendent, under the provisions of this Act, as attorney for a registered insurance corporation, he shall, if its head office is in Canada, forthwith notify it of such service by registered letter, containing a copy of such process, prepaid and directed to the secretary, or, if its head office is without Canada, to its resident manager, if any, in Canada, or to such other person as may have been previously designated by it, by written notice filed in the office of the superintendent, as the person to whom the same should be sent. The superintendent shall keep a record of the date and hour of the service of process upon him.

12. There shall be no judgment for default of appearance or defence, or action taken as a consequence of such service unless and until an affidavit is filed in the court out of which or by which such process is issued, showing that the said attorney has, in accordance with the requirements of section 11, duly notified the insurance corporation affected by such process of the service thereof upon him.

13. Every registered fire insurance company shall cause to be printed, stamped or written in plain letters across the face of every policy, interim receipt or other insuring document, covering fire loss, issued by or on behalf of such company, on property of any kind, either real or personal, in the province, or which on the face of such policy, interim receipt or other insuring document is stated to be in the province, the words "registered under *The Alberta Insurance Act.*"

UNDERWRITERS' AGENCY.

14. No policy of insurance covering loss by fire on property situate in the province shall be issued through any underwriters' agency or underwriters' company which issues policies in its own name for another principal or guaranteeing or managing company, unless such principal or guaranteeing or managing company and such underwriters' agency or underwriters' company are both registered, nor unless such policy bears the name of the principal, guaranteeing or managing company in a prominent and conspicuous manner, nor unless the form of such policy has been approved by the superintendent.

(2) Every registered fire insurance company which carries on any of its business or issues any policy of insurance through an

underwriters' agency or company shall, in addition to the other information required to be given by such company, file, on a form to be prescribed by the superintendent, a return of the business transacted by the said underwriters' agency or company up to the 31st day of December in each and every year.

AGENTS.

15. Every fire or employers' liability insurance policy issued by any company covering a risk in the province shall be approved by an agent of the company who is a resident of the province, holding a certificate of authority from the superintendent, and such agent shall sign or countersign any policy, duplicate policy or contract so issued and make a record of the same in books provided by the company for that purpose, and shall receive the commission or some part thereof when the premium stipulated in such policy is paid; provided, that this section shall not apply to direct insurance covering the rolling stock of railroad corporations or property in transit, which is in the possession and custody of railroad corporations, or other common carriers, or to movable property employed by them in their business as common carriers.

16. No agent, other than an agent of a provincial mutual fire insurance company, shall undertake insurance in this province unless and until he has obtained from the superintendent a certificate of authority to act as such agent. No such certificate shall be granted to an agent to undertake insurance for an insurance corporation which is not registered.

(2) No agent, or other person representing or doing business in the province for any company registered under this Act shall, directly or indirectly, divide or offer to divide his commission or other remuneration with, or give, or offer to give, any part of his commission or other remuneration, or any other matter or thing of value to any person whose life, safety, health, fidelity, property or insurable interest he may be insuring or seeking to insure, or to any person having or claiming or appearing to have any influence or control as to the placing of such insurance, as an inducement to insure with him or in or with a company employing him or represented by him, or to any other person who has not obtained a certificate of authority under this Act.

(3) No resident agent holding a certificate of authority shall sign any policy of insurance in blank.

(4) The superintendent of insurance may revoke any certificate of authority if, after due investigation by him or his agent, he determines that the agent to whom it was issued has violated any of the provisions of this Act, or of the laws of the Dominion of Canada respecting insurance, or is incompetent, untrustworthy or dishonest. No person whose certificate of authority is revoked shall be entitled to another until one year after such revocation.

17. Every agent shall pay to the superintendent for the use of the province for each certificate of authority or renewal thereof—

1. To undertake all classes of insurance:

In cities..... \$25.00

In towns.....	\$7.00
In other places.....	3.00
2. To undertake, anywhere in the province, all classes of insurance except fire insurance.....	3.00

(2) The holding of a certificate of authority shall *ipso facto* exempt the agent from liability to pay any license fee for undertaking insurance imposed by any other authority in the province.

(3) Every such certificate shall expire on the fifteenth day of February next following the date of the granting thereof, but may upon the application of the agent be renewed by the superintendent upon payment of the prescribed fee.

SECURITIES.

18. Every provincial and every foreign insurance corporation, not being a friendly society incorporated and licensed by or under the authority of the Legislature of any province of Canada, shall, before the issue of a receipt or certificate of payment of taxes, lodge with the Treasurer, either in cash or in any stock, debentures or other securities approved of by the Treasurer the deposits respectively hereinafter stated:

19. The deposit to be made by any such insurance corporation shall be the sum appointed therefor in the twentieth and twenty-first sections of this Act and such deposit shall be accompanied by an affidavit of at least two of the principal officers of the insurance corporation that the said securities are its property absolutely and are free from liens and encumbrances of any and every nature whatsoever.

20. If on the preceding thirty-first day of December in any year the total contingent liability, or the amount at risk in the province, of any such insurance corporation does not exceed one million, five hundred thousand dollars, then—

1. Every joint stock company, if a provincial company, shall keep on deposit with the Treasurer \$10,000, and, if a foreign company, \$20,000; provided, however, that a provincial or foreign company undertaking plate glass insurance only shall deposit \$3,000;

2. Every friendly society, included in section 18, shall keep on deposit with the Treasurer \$10,000, but if doing only sickness and funeral benefit insurance, or one of them, the amount of the deposit shall be \$2,000;

3. Every provincial mutual fire, or fire and inland marine company, insuring mercantile or manufacturing risks, shall keep on deposit with the Treasurer \$5,000; and every provincial cash-mutual fire, or fire and inland marine company insuring mercantile or manufacturing risks, \$5,000;

4. Every foreign mutual fire, or fire and inland marine company insuring mercantile and manufacturing risks shall keep on deposit with the Treasurer \$10,000; but a foreign mutual fire insurance company not insuring mercantile and manufacturing risks shall keep on deposit with the Treasurer \$5,000;

5. Every foreign mutual hail insurance company shall keep on deposit with the Treasurer the sum of \$20,000, and every such provincial company the sum of \$5,000.

21. If on the preceding thirty-first day of December in any year the total contingent liability, or the amount at risk in the province, of any insurance corporation, referred to in the next preceding section, exceeds one million, five hundred thousand dollars then for each additional one million, five hundred thousand dollars, or fraction thereof, each such insurance corporation shall, if foreign, keep on deposit with the Treasurer by way of additional security a sum equal to one-half of the initial deposit; and, if provincial, shall keep on deposit \$200 for every one hundred thousand dollars, or fraction thereof, by which the said total contingent liability, or amount at risk, exceeds one million, five hundred thousand dollars.

22. Notwithstanding the provisions of its charter or memorandum of association, every insurance corporation heretofore or hereafter incorporated or chartered, by or under the authority of the Legislature, shall be governed only by this Act in regard to deposits to be made with the Treasurer or the Government of Alberta, and shall not be required to make or continue any further or other deposit or deposits than such as are required hereby.

23. Securities approved of hereunder by the Treasurer shall be accepted at their market value at the time when they are deposited.

24. If the market value of any of the securities which have been deposited by any insurance corporation declines below the value at which they were deposited the Treasurer may from time to time call upon the insurance corporation to make a further deposit, so that the market value of all the securities deposited by any insurance corporation shall be equal to the amount which they are required to deposit by this Act.

25. The Treasurer may permit the substitution of other securities for those deposited with him.

26. Any securities deposited under the provisions of this Act may be used by the Treasurer for the purposes of re-insuring all or any part of the risks of the insurance corporation outstanding in Alberta as and when the superintendent may see fit.

27. An insurance corporation may deposit with the Treasurer any moneys or securities of the kind prescribed by section 18 of this Act beyond the sum hereinbefore required; and such moneys or securities shall be dealt with as if the same had been part of the original deposit, and no part thereof shall be withdrawn except with the sanction of the Lieutenant Governor in Council.

28. If from the annual statements, or from an examination of the affairs and condition of any company, other than a Dominion company, it appears that the re-insurance value of all its risks outstanding in the province, together with any other liabilities in the province, exceeds its assets in the province, including the deposit in the hands of the Treasurer, then the company shall be called upon by the Treasurer to make good the deficiency

at once, and on failure to do so its corporate powers in the province shall thereupon cease and determine, except for the purpose of winding up its affairs. In the case of life companies, such re-insurance value shall be calculated on the basis used by the insurance branch of the Department of Finance at Ottawa.

29. Where an insurance corporation, other than a Dominion insurance corporation, fails to make the deposits under this Act at the time required, or where written notice has been served on the Treasurer of an undisputed claim arising from loss insured against in Alberta remaining unpaid for the space of sixty days after being due, or of a disputed claim after final judgment in the regular course of law and tender of a legal valid discharge being unpaid, so that the amount of securities representing the deposit of the insurance corporation is liable to be reduced by sale of any portion thereof, the corporate powers of such insurance corporation in the province shall *ipso facto* be suspended until the deposit is again brought to the strength required by this Act over and above such liable reduction, but on such strength being acquired, the insurance corporation shall again *ipso facto* be clothed with its corporate powers in the province.

30. Except in cases with respect to which it may be otherwise provided by the Lieutenant Governor in Council, so long as the deposit of any insurance corporation is unimpaired and no notice of any final judgment or order to the contrary is served upon the Treasurer, the interest upon securities forming the deposit shall be handed over to the insurance corporation when received by him.

31. Every registered company, other than a Dominion company, transacting any business of life insurance in the province, shall maintain a reserve for the protection of its Alberta policyholders, computed on the basis of the reserve required under the provisions of *The Insurance Act of Canada* for the time being in force.

(2) Every registered foreign insurance company shall deposit with the Treasurer such a percentage of the reserve required by the preceding subsection on all its Alberta policies as the superintendent may direct.

ADMINISTRATION OF SECURITIES.

32. The securities deposited with the Treasurer shall be subject to administration only in respect of any contract which falls within section 2 of this Act, and which further has for its subject some property in the province, or property in transit to or from the province, or the life, safety, health, fidelity, or insurable interest of some resident of the province, or where the contract itself makes the payment thereunder primarily payable to some resident of the province.

33. Any insurance corporation shall be liable upon the application of any creditor or policyholder to have its deposits in the hands of the Treasurer administered in manner hereinafter mentioned upon the failure of the company to pay any undisputed claim arising under any contract within the last preceding

section for the space of sixty days after being due, or if disputed, after final judgment and tender of a legal valid discharge, and (in either case) after notice thereof, to the Treasurer. In the event of such administration all deposits of the insurance corporation held by the Treasurer shall be applied *pro rata* towards the payment of all claims duly authenticated against the insurance corporation, as well as in respect of unearned premiums, such being claims and premiums under the contracts aforesaid; and the distribution of the proceeds of such deposits may be made by order of a judge of the Supreme Court of the province.

34. In any case where a claim accruing on the occurrence of any event is by the terms of the contract payable on proof of such occurrence without any stipulated delay, the notice required in the last preceding section shall not be given until after the lapse of sixty days from the time when the claim becomes due.

35. Before an application is made to a judge of the Supreme Court of Alberta for the administration of the deposit of an insurance corporation at least ten days' notice of the intended application shall be served on the Treasurer; and the notice shall designate the day named for the hearing of the application.

36. Upon granting an order for administration as aforesaid the court shall appoint a receiver, who may be an officer of the court, who shall forthwith call upon the insurance corporation to furnish a statement of all its outstanding contracts, being within the second and thirty-second sections of this Act, and upon all claimants under such contracts to file their claims; and upon the filing of the claims with the receiver the parties interested shall have the right of contestation thereof, and the right of appeal from the decision of the receiver to the court as aforesaid, according to the practice of the court; and in case of any such administration the claimants aforesaid shall be entitled to claim for a part of the premiums paid proportionate to the unexpired period of their contracts respectively, and such unearned premiums shall rank, in the distribution of assets, with judgments obtained and claims accrued; and upon the completion of the schedule to be prepared by the receiver of all judgments against the company upon said outstanding contracts, and of all claims for unearned premiums, or for surrender of policies, the court shall cause the securities held by the Treasurer for the insurance corporation, or any part of them, to be sold in such manner and after such notice and formalities as the court appoints; but all the proceeds thereof, after paying expenses incurred, shall be distributed *pro rata* amongst the claimants according to the schedule, and the balance, if any, shall be surrendered to the insurance corporation; but if any claim, within the second and thirty-second sections of this Act, arises after the statement of the said outstanding contracts has been obtained from the insurance corporation, as hereinbefore provided, and before the final order of the court for the distribution of the proceeds of the securities, the holder of such claim, upon due proof thereof, shall be entitled to share in such distribution.

37. As to any claim arising after the distribution of the proceeds of the securities and as to any balance of claims against the insurance corporation not fully paid and met by such distribution, the holders of such claim shall not be barred from any recourse they may have against the insurance corporation.

38. The court, by the order appointing a receiver or by any subsequent order, may authorize the receiver to exercise, in respect of the accounts of the insurance corporation, all or any of the powers which a judge of the Supreme Court of the province would have if he were taking an account of the claims against the said deposit, and every receiver so authorized shall possess the said powers, as well as the powers usually enjoyed by a receiver appointed under an order of the said court.

SURRENDER OF SECURITIES.

39. Where an insurance corporation has ceased to undertake insurance within the province and has given written notice to that effect to the Treasurer it shall re-insure all such outstanding contracts as are within the second and thirty-second sections of this Act with some registered insurance corporation or corporations, and shall pay all loss claims for which it is legally liable and all unearned premiums in respect of contracts not re-insured, or obtain a discharge thereof, and its securities shall not be delivered to the insurance corporation until the same is done to the satisfaction of the Treasurer.

40. When an insurance corporation has ceased to undertake insurance in the province after the notice hereby required it shall pay the losses arising from policies not re-insured or surrendered as if it had continued to do business in the province.

41. Upon making application for securities the insurance corporation shall file with the Treasurer a list of all contracts within the second and thirty-second sections of this Act which have not been re-insured as provided by the fortieth section of this Act or have not been discharged; and it shall at the same time publish in *The Alberta Gazette* a notice that it has applied to the Treasurer for the release of its securities on a certain day, not less than three months after the date of the notice, and calling upon all claimants, contingent or actual, opposing the release, to file their opposition with the Treasurer on or before the day so named, and after that date, if the Treasurer is satisfied that the insurance corporation has ample assets to meet its liabilities under this Act, all the securities may be released to the insurance corporation by an order of the Lieutenant Governor in Council, or a sufficient amount thereof may be retained to cover the claims filed, and the remainder may be released; and thereafter from time to time, as such opposing claims lapse or proof is adduced that they have been satisfied, further releases may be made on the authority aforesaid.

CHANGE OF NAME.

42. Where an insurance corporation incorporated under the provisions of a special or general Act of the legislature is desirous

of adopting a name differing from that by which it was incorporated; or where, in the opinion of the Lieutenant Governor in Council, the name by which any such insurance corporation was incorporated may be easily confounded with that of any other existing insurance corporation, the Lieutenant Governor in Council upon being satisfied that a change of name will not work or effect any improper purpose, may by order change the name of such insurance corporation to some other name to be set forth in the order; but no such change of name shall affect the rights or obligations of the insurance corporation; and all proceedings which might have been commenced or continued by or against it by its former name may be commenced and continued by or against it by its new name.

(2) The Lieutenant Governor in Council may require the same notice to be given upon any application for such change of name as is required by *The Companies Ordinance*.

(3) Notice of any change of name shall be forthwith inserted by the insurance corporation in at least one issue of *The Alberta Gazette*.

PLACE OF PAYMENT OF LIFE POLICY.

43. The moneys payable under any policy of life insurance already issued, or that may hereafter be issued by an insurance corporation that has already become or may hereafter become registered under the provisions of this Act, or licensed or registered under any Act for which this Act is substituted, shall, in all cases, be payable in the province, when the assured is or dies domiciled therein, notwithstanding anything contained in any policy or the fact that the head office of the insurance corporation is not within the province.

BOOKS TO BE KEPT BY INSURANCE CORPORATIONS.

44. Every registered insurance corporation, other than a Dominion insurance corporation, shall keep a classification of its contracts and such registers and books of account as may from time to time be directed or authorized by the Treasurer; and if it appears at any time to the Treasurer that such books are not kept in such business-like way as to make at any time a proper showing of the affairs and standing of such insurance corporation he shall thereupon nominate a competent accountant to proceed under his directions to audit such books, and to give such instructions as will enable the officers of such insurance corporation to keep them correctly thereafter, the expense of the accountant to be borne by the insurance corporation to which he is sent, and shall not exceed ten dollars per day and necessary travelling expenses; the account for such audit and instructions shall be certified and approved by the Treasurer and thereupon shall be payable forthwith by the insurance corporation.

45. Where a registered company, other than a Dominion company, has a share or stock capital, such company shall keep a stock register, in which register all the transfers of the stock shall be accurately kept, and it shall at all reasonable times be open to the examination of any shareholder and the Treasurer. The entries in such register shall include the following particulars:

- (a) The registered number of the shares transferred;
- (b) The amount of subscribed stock transferred;
- (c) The number of shares subscribed for;
- (d) The amount paid up on said shares;
- (e) The names and addresses of the transferor and transferee;
- (f) The date of transfer, and date of confirmation or disallowance by the board of directors.

46. The books and records required to be kept by section 44 shall include only contracts within the second and thirty-second sections of this Act.

47. Where any advertisement, letterhead, account or other documents issued, published or circulated by a registered company, other than a Dominion company, or any of its officers, agents or employees, purports to state the capital of the company it shall state separately—

- (a) The authorized capital;
- (b) The capital actually and *bona fide* subscribed;
- (c) The capital actually and *bona fide* paid up.

ANNUAL STATEMENTS.

48. Every registered insurance corporation shall on or before the first day of April in each year furnish to the superintendent a statement showing:

1. The condition and the affairs of the insurance corporation on the thirty-first day of December then next preceding, exhibiting the assets, liabilities, receipts and expenditures, in such form and with such items and detail as shall from year to year be required by the said superintendent and shall cause such statement to be deposited in the office of the superintendent, accompanied by a statutory declaration to the effect shown in the form in schedule B to this Act to be made by the president or vice-president and secretary or treasurer or other qualified officer.

2. The gross premiums received during the preceding year by the insurance corporation in respect wholly or in part of or on account of policies issued to or held by persons residing in the province or covering property situate in the province, whether such premiums were so received by such insurance corporation within the province or were received elsewhere in respect of such Alberta business.

3. If a life insurance company, a statement of the value of all its policies in force on the thirty-first day of December then next preceding, certified to by a duly qualified actuary, such valuation to be computed on the basis of the reserve required under the provision of *The Insurance Act of Canada*; and, once in every five years, or oftener (at the discretion of the Treasurer), the superintendent shall have a valuation made of all said policies then in force by a duly qualified actuary, who shall be appointed by the Treasurer.

4. A statement showing the total liability of the company if a provincial company, in respect of unearned premiums upon all its outstanding unmatured policies, and if not a provincial

company, in respect of unearned premiums upon all its outstanding unmatured policies of insurance upon property in Alberta. This subsection shall apply only to registered fire, inland marine and accident insurance companies.

(2) In the case of hail insurance companies or of fire insurance companies other than those transacting purely nonhazardous mutual business, a summary of such statement shall be published by the company in a daily newspaper published in the province, on or before the fifteenth day of April in every year and proof of publication shall be filed with the superintendent on or before the fifth day of May next following, in default of which the superintendent shall cause such publication to be made at the expense of the company.

SUPERINTENDENT OF INSURANCE.

49. The Lieutenant Governor in Council may appoint an officer to be called the superintendent of insurance, who shall act under the instructions of the Treasurer, and his duties shall include examining into and reporting to the Treasurer from time to time upon all matters connected with insurance in this province.

(2) Neither the superintendent, nor any officer under him, shall be interested as a shareholder, directly or indirectly, in any insurance company.

50. The salary of the superintendent shall be such sum per annum as the Lieutenant Governor in Council shall from time to time determine; and the Lieutenant Governor in Council may provide from time to time such assistance as may be found necessary, and may appoint a deputy of such superintendent.

INSPECTION—REGISTER.

51. The superintendent shall keep on file the various documents required by this Act to be filed in his office, and shall personally or by deputy visit the head or chief office in Alberta of every registered insurance corporation other than a Dominion insurance corporation at least once in every year, and shall carefully examine the condition and affairs of each such insurance corporation and report thereon to the Treasurer as to all matters requiring his attention and decision.

52. In order to facilitate the inspection of the books and papers of any such insurance corporation such insurance corporation may be required by the superintendent, with the approval of the Lieutenant Governor in Council, to produce the said books and papers at its head or chief office in Alberta, or to such other convenient place as the superintendent may direct. The officer or officers of the insurance corporation who have custody of the books shall be entitled to be paid by the insurance corporation for the actual expenses of such attendance.

53. The superintendent shall from such examination prepare and lay before the Treasurer an annual report of the condition of the business of every registered insurance corporation as ascertained from such inspection, and such report may be published forthwith after the completion thereof.

54. It shall be the duty of the officers or agents of the insurance corporation to cause their books to be open for the examination of the superintendent, and otherwise to facilitate the examination so far as may be in their power; and the superintendent or his deputy shall have power to examine under oath any officer or agent of the insurance corporation relative to its business.

55. It shall also be the duty of the officers and agents of the insurance corporation to furnish the superintendent, on his request, with full information as to the total liability of the insurance corporation, if provincial, in respect of unearned premiums upon all outstanding unmatured policies, and, if foreign, in respect of unearned premiums upon all its outstanding unmatured policies of insurance upon property in Alberta.

56. A report of all insurance corporations so inspected shall be entered in a book kept for that purpose with notes and memo, randa showing the condition of each such insurance corporation and where a special examination has been made a special written report shall be communicated to the Treasurer stating the superintendent's opinion of the condition and financial standing of the insurance corporation, and all other matters desirable to be made known to the Treasurer.

57. Every director, officer, manager, agent, collector, auditor or employee of an insurance corporation who knowingly makes or assists to make any untrue entry in any books of any such insurance corporation, or who refuses or neglects to make any proper entry therein, or to exhibit the same or to allow the same to be inspected, and extracts to be taken therefrom, shall be liable on summary conviction thereof to a fine not exceeding fifty dollars and costs, and, in default of payment to imprisonment for a term not exceeding six months.

58. If it appears to the superintendent that the assets of any insurance corporation are not sufficient to justify its continuance of business, or that the insurance corporation is unsafe for the public to effect insurance with, he shall make a special report on the affairs of the insurance corporation to the Treasurer to that effect.

59. After full consideration of such report and a reasonable time being given to the insurance corporation to be heard, and if, after such further inquiry and investigation (if any) as he may see proper to make, the Treasurer reports to the Lieutenant Governor in Council that he agrees with the superintendent in the opinion expressed in his report, then, if the Lieutenant Governor in Council also concurs in such opinion, he may by order suspend or cancel the corporate powers of the insurance corporation, other than a Dominion corporation, in Alberta, and thereafter it shall not be lawful for such insurance corporation to do any further business in the province, until the suspension or prohibition is removed by the Lieutenant Governor in Council, and the corporate powers of the insurance corporation in the province restored.

60. Notice of the suspension or cancelling of the corporate powers in the province of any insurance corporation shall be published in *The Alberta Gazette*; and thereafter any person undertaking insurance on behalf of the insurance corporation, except for winding up its affairs pursuant to this or any other Act, shall be liable on summary conviction thereof to a penalty not exceeding \$100.00 and costs.

61. Wherever the affairs of any registered insurance corporation other than a Dominion insurance corporation appear to require the same the superintendent, with the approval of the Lieutenant Governor in Council, may, at the expense of the insurance corporation, have abstracts prepared of its books and vouchers and a valuation made of its assets and liabilities; and the certificate of the superintendent approved of by the Treasurer shall be conclusive as to the expenses to be paid by the insurance corporation in respect thereof.

62. The Treasurer's certificate, or approval of an account certified by the superintendent, shall, as to the amount payable by any insurance corporation under the forty-fourth and sixty-first sections of this Act be held to be conclusive.

IMPAIRMENT OF CAPITAL AND PAYMENT OF DIVIDENDS.

63. Every registered fire or inland marine insurance company, other than a Dominion company, shall at all times maintain assets in the province at least equal in value to the total of the unearned premiums upon all outstanding unmatured policies upon property in the province, calculated *pro rata* for the times unexpired, together with the amount of matured claims for losses in the province, and all its other liabilities of every kind in the province.

64. No dividend shall be paid by any such company while its paid up capital is impaired or while its assets are less than the amount required by the next preceding section, nor shall any dividend be paid which would reduce its assets below the said amount or impair its capital.

65. If it appears to the superintendent at any time that the assets of any such company fall below the requirements of section 63 he shall report the fact to the Treasurer, and state whether or not the company appears to him to have paid any dividend in contravention of the last preceding section, and the Treasurer, after a full consideration of the matter and after giving the company a reasonable opportunity to be heard, may either recommend to the Lieutenant Governor in Council, the cancellation by him of the corporate powers of the company in the province, who may if he concurs in such recommendation order the cancellation of the same, or the Treasurer may, upon such terms and conditions as he may deem proper, limit a time within which such company shall make good the deficiency, and upon the company's failure to make good such deficiency within the time so limited, such corporate powers in the province shall be cancelled by the Lieutenant Governor in Council upon the report of the Treasurer recommending the same.

66. If at any time it be found that the assets of any such company are less than the amount required by section 63, by an amount equal to twenty per cent. or more of the total amount of the said unearned premiums, calculated as aforesaid, or that the company has paid any dividends in contravention of section 64, it shall be the duty of the Treasurer to report the same to the Lieutenant Governor in Council, whereupon the company's corporate powers in the province shall be cancelled by order of the Lieutenant Governor in Council.

FIRE INSURANCE.

67. Every registered fire insurance company may insure or re-insure any property in which the assured has an insurable interest against damage or loss by fire, lightning or explosion, whether the same happens by accident or from any other cause, except that of design on the part of the assured.

(2) A registered fire insurance company insuring any mercantile or manufacturing risk, may either by the same or by a separate contract insure the same risk against loss or damage arising from defects in or injuries from sprinklers or other fire extinguishing appliances.

68. Fire insurance contracts shall not exceed the term of three years; and the insurance of mercantile and manufacturing risks shall, if on the cash plan, be for a term not exceeding one year, but any policy may be renewed by the delivery of a renewal receipt or a new premium note.

69. On the face of a policy of fire insurance there shall appear the name of the insurer, the name of the assured, the name of the person or persons to whom the insurance money is payable, the premium or other consideration for the insurance, the subject matter of the insurance, the maximum amount or amounts which the insurer contracts to pay, the event on the happening of which payment is to be made and the term of the insurance.

(2) On every contract of insurance issued by a registered fire insurance company there shall be printed, stamped, or written the words "Issued on application submitted by (*with name of agent filled in*)", authorized resident agent at (*with name of place filled in*)" but if the contract is countersigned or is to be countersigned before delivery by an authorized resident agent, the provisions of this subsection shall not apply.

(3) A policy may contain a co-insurance clause, but any such policy shall have printed or stamped across its face in large type and in red ink the words "This policy contains a co-insurance clause", and if these words are not so printed or stamped such clause shall not be binding on the assured.

(4) Any stipulation or term of the contract, other than those above stated, if held to be not just and reasonable by a court or a judge before whom a question relating thereto is tried, shall not be binding on the assured.

(5) The conditions set forth in schedule C to this Act shall, as against the insurer, be deemed to be part of every contract in force in the province with respect to any property therein or in transit therefrom or thereto, and shall be printed on every

policy with the heading "Statutory Conditions", and no stipulation to the contrary, or providing for any variation, addition or omission shall be binding on the assured unless evidenced in the manner prescribed by sections 70 and 71.

(6) The said conditions shall be deemed to have been in force from the first day of January, 1915, but the provisions of this Act as to printing the same on the policies shall not be imperative until on and after the first day of January, 1916.

70. If the insurer desires to vary the statutory conditions or to omit any of them, or to add any new condition, there shall be added immediately after such conditions words to the following effect, which with any such variation, addition or reference to omissions, shall be printed in conspicuous type and in red ink:

VARIATIONS IN CONDITIONS.

"This policy is issued on the above statutory conditions, with the following variations, omissions and additions, which are, by virtue of *The Alberta Insurance Act*, in force so far only as they shall be held to be just and reasonable to be exacted by the company."

71. No such variation, omission or addition, unless the same is distinctly indicated and set forth in the manner above prescribed, shall be binding on the assured; but on the contrary, the policy shall, as against the insurer, be subject to the statutory conditions only.

72. Any such variation, omission or addition, unless held to be just and reasonable, shall be null and void.

73. It shall be optional with the insurer to pay or allow claims, wholly or in part, which are void under any statutory condition.

74. Where the loss, if any, under any policy has with the consent of the company been made payable to some person or persons other than the assured as mortgagee or mortgagees said policy shall not be cancelled by the company upon the application of the assured nor in any case without reasonable notice to the said mortgagee or mortgagees.

75. Where, by reason of necessity, accident or mistake, any condition of a contract of insurance on property in the province as to the proof to be given to the insurer after the occurrence of the event insured against, has not been strictly complied with, or where after statement or proof of loss has been given in good faith by or on behalf of the assured, in pursuance of any condition of such contract of insurance, the insurer, through its agent or otherwise, objects to the loss upon other grounds than for imperfect compliance with such conditions or does not within a reasonable time after receiving such statement or proof notify the assured in writing that it is objected to, stating the particulars in which the same is alleged to be defective, and so from time to time, or where, for any other reason, it is held to be inequitable that the insurance should be deemed void or

forfeited by reason of imperfect compliance with such condition, no objection to the sufficiency of such statement or proof or amended or supplemental statement or proof, as the case may be, shall be allowed as a defence by the insurer or a discharge of his ability on such contract of insurance wherever entered into.

76. After any loss or damage to insured property the insurer by a duly accredited agent, shall have an immediate right of entry and access sufficient to enable him to survey and examine the property, and to make an estimate of the loss or damage, but the insurer shall not be entitled to the disposition, control, occupation or possession of the injured property, or of the remains or salvage thereof, unless the insurer undertakes re-insatement, or accepts abandonment of the property.

(2) After any loss or damage to insured property, it shall be the duty of the assured when, and as soon as it is practicable, to secure the insured property from damage, or from further damage, and to separate as far as reasonably may be, the damaged from the undamaged property, and to notify the insurer when such separation has been made, and thereupon the insurer shall be entitled to entry and access sufficient to enable him to make an appraisalment or particular estimate of the loss or damage.

(3) The insurer and the assured, instead of proceeding by arbitration under statutory condition 22, may at any time after the loss or damage make a joint survey, examination, estimate or appraisalment of the loss or damage, in which case the insurer shall be deemed to have waived all right to make a separate survey, examination, estimate or appraisalment thereof.

77. Where proofs of loss are made by any person other than the assured, the insurer shall be entitled to have the assured examined under oath touching the loss or damage before the District Court Judge of the judicial district in which the assured resides, and the procedure shall be the same as that upon an examination for discovery in an action.

EXAMINATION OF COMPANY'S AFFAIRS. RECEIVER.

78. The Lieutenant Governor in Council may, when he deems it expedient, direct an inquiry to be made by a commissioner or commissioners into the affairs of any insurance corporation, under the provisions of *An Act respecting Inquiries Concerning Public Matters*, being chapter 2 of the Statutes of 1908, insurance and the undertaking thereof being hereby declared to be "public business" within the meaning of the said Act.

79. After receiving the report the Attorney General may be authorized by the Lieutenant Governor in Council to take such action as may be taken by a contributory under *The Companies Winding Up Ordinance*.

LIQUIDATION AND WINDING UP.

80. The corporate powers of any provincial insurance corporation, whether incorporated under a special or general Act of the Legislature, shall be forfeited by nonuser during any

continuous period of four years, ending after the coming into force of this Act, whether commencing before or after such coming into force, or if, after an insurance corporation has undertaken contracts within the intent of this Act, such insurance corporation discontinues business for one year, or if it ceases to be a registered insurance corporation, or if its corporate powers in Alberta are otherwise cancelled, the said corporate powers shall be forfeited, except for the sole purpose of winding up its affairs; and a judge of the Supreme Court of Alberta, upon the petition of the Attorney General or of any person interested, may, by judgment or order, limit the time within which the insurance corporation shall settle and close its accounts, and may for this specific purpose direct it to be wound up under *The Companies Winding Up Ordinance*.

81. When an insurance corporation proposes to go into voluntary liquidation, under the provisions of *The Companies Winding Up Ordinance*, at least one month's notice in advance shall be given to the Treasurer; the like notice shall also be published by the insurance corporation in two consecutive issues of *The Alberta Gazette*, and in some newspaper should the Treasurer so require; and the notice shall state the date at which contracts shall cease to be taken by the insurance corporation, also the name and address of its liquidator, or its intention to apply on a stated date for the appointment of a liquidator.

82. The Treasurer may, at any time before a permanent liquidator is appointed, appoint a provisional liquidator, who shall forthwith take charge of the affairs of the insurance corporation and shall act until a permanent liquidator is appointed.

83. The remuneration to be paid to any liquidator appointed under the provisions of the preceding section shall be fixed by the Treasurer, and such remuneration and all expenses and outlay in connection with such appointment, together with all expenses and outlay of the provisional liquidator while he acts in such capacity, shall be borne and paid by the insurance corporation; and all such remuneration, expenses and outlay shall form a first lien or charge upon the assets of the insurance corporation, and the Treasurer may pay the same out of the securities deposited with him by the insurance corporation.

84. At the winding up of a mutual or cash-mutual fire insurance company, after notice has been given as required by section 81 of this Act, it shall be lawful for the directors of such company to re-insure out of the reserve fund the unexpired contracts for which premiums or premium notes have been taken, but such re-insurance shall be effected with some registered company.

85. When any insurance corporation is wound up, each person contracted with on the cash plan shall be entitled to a refund from the insurance corporation of the unearned proportion of the cash premium calculated from the date at which the insurance corporation according to the notice as provided for by this Act, ceased to undertake contracts; but this shall not destroy or defeat any other remedy such person may have against the insurance corporation in respect thereof or for any other cause.

86. Every assignee or liquidator of an insurance corporation shall, until the affairs of the insurance corporation are wound up and the accounts are finally closed, within seven days after the close of each month, file with the court or other authority appointing him, and also with the Treasurer, detailed schedules showing in such forms as may be required receipts and expenditures, and also assets and liabilities, and he shall, whenever, by the authority appointing him or by the Treasurer, required so to do, exhibit the office books and vouchers, and furnish such other information respecting the affairs of the insurance corporation as may be required; and any assignee or liquidator refusing or neglecting to furnish such information shall, for each offence, be subject to a penalty of not less than fifty dollars nor more than two hundred dollars, to be recovered with costs on behalf of His Majesty for the use of the province; and he shall in addition render himself liable to be dismissed or removed.

INSURANCE IN UNREGISTERED COMPANIES.

87. Save as hereinafter provided, no person shall insure or cause to be insured any property whatever, real or personal, situate in, or described in any policy, interim receipt, or insuring document as situate in any part of the province against fire loss in any provincial or foreign company which is not registered under this Act.

88. Any person may insure any property situate in the province, in which he has an insurable interest, with any foreign company, which is not registered under this Act, and any person may also insure with persons who reciprocally insure for protection only and not for profit; and any property insured under this section may be inspected and any loss incurred in respect thereof adjusted, provided:

1. That such insurance is effected outside of Canada without any solicitation whatsoever directly or indirectly on the part of such company or persons, and that such company or persons, as the case may be, do not undertake insurance within the province;

2. That any person (or any officer, agent or employee of any such person, having any actual knowledge of the facts) procuring any insurance against fire on any property, real or personal in the province, or described in any policy, interim receipt, or insuring document as situate in any part of the province in any such company or with any such persons, shall forthwith, and not later than one month from the effecting of any such insurance, or of the receipt of any such policy, interim receipt, or insuring document issued by or on behalf of such company or persons, whichever shall be first in point of time, notify the superintendent of insurance in writing under oath of the terms of such insurance, the company with which such insurance is placed, and the amount of premium paid or payable, or premium notes given or to be given, or mutual liability assumed in connection therewith, and shall, at the same time, pay to the Treasurer for the benefit of the province a sum equal to fifty per centum of the premium paid or payable, or premium note given or to be given, or mutual liability assumed in connection with such insurance.

89. It shall be competent for the Treasurer, or the Lieutenant Governor in Council, on application made by or on behalf of any person, to permit contracts of insurance to be made or entered into without the province with a foreign company not registered under this Act, under such regulations and restrictions as may be deemed necessary and expedient.

PENALTIES AND PROSECUTIONS.

90. Any person or any insurance corporation violating any of the provisions of this Act or of any rules or regulations made thereunder or omitting or refusing or neglecting to fulfil, perform, observe or carry out any duty or obligation created or imposed by this Act or any rules or regulations made thereunder shall, unless a special penalty is otherwise provided by this Act, be liable upon summary conviction to a penalty of not less than \$20.00 and costs and not more than \$200.00 and costs for every such offence, and in default of payment thereof forthwith to imprisonment for a term not exceeding three months.

91. In any prosecution under this Act the burden of proof shall be upon the accused.

FURTHER DEPOSIT BY FOREIGN MUTUAL HAIL COMPANIES.

92. Every foreign mutual hail insurance company shall, in addition to the deposit required by sections 20 and 21 of this Act, on or before the first day of March in each and every year until the sum of fifteen thousand dollars, exclusive of any deposit under the provisions of sections 20 and 21, is deposited as herein provided, deposit with the Treasurer either in cash, or in any stock debentures or other securities approved by the Treasurer, an amount equal to two per centum of the total gross premiums or premium notes paid or payable or assessments made in respect of all insurance undertaken within the province, during the preceding calendar year.

(2) The provisions of this Act as to proof of ownership, payment of interest, administration and release of securities shall, *mutatis mutandis*, apply to securities deposited under the provisions of this section.

(3) Every such company may, for the purpose of complying with the provisions of this section, make any such special assessment or assessments upon its members within the province as may be necessary therefor.

(4) Any such company undertaking insurance within the province during the year 1915 shall make the deposit required by this section on or before the 15th day of May, 1915.

(5) Any such company, refusing, omitting or neglecting to make the deposit required by this section within the time or times so limited, shall be liable to a penalty of not less than \$100.00 per day to be paid to the Treasurer for the use of the province for each and every day during which such refusal, omission or neglect continues, and in addition thereto to have its corporate powers within the province suspended or cancelled by the Lieutenant Governor in Council.

MISCELLANEOUS.

93. All moneys payable or becoming payable to the Treasurer, under this Act, or under *The Alberta Insurance Act* heretofore in force, shall be a debt due to the Treasurer, and shall be recoverable by him by action in any court of competent jurisdiction.

94. Every agent of any registered company who receives or collects any premium moneys as such agent shall be responsible in a trust or fiduciary capacity to such company and such premium moneys shall not be retained when paid to him by the assured over and beyond the term stipulated in his agency contract or agreement.

95. All fees paid by any insurance corporation under *The Alberta Insurance Act* and amendments heretofore in force shall be deemed to have been taxes paid as if this Act had been in force at the time of the several payments thereof.

96. The corporate powers in the province of any insurance corporation when suspended or cancelled under this Act for any cause may, unless otherwise expressed in this Act, be restored by order of the Lieutenant Governor in Council.

97. For the purposes of his duties under this Act, or under any other Act relating to insurance, the superintendent may require to be made, and may take and receive affidavits, statutory declarations and depositions, and may examine witnesses upon oath; and he shall have the same power to summon officers of corporations, receivers and liquidators, and other persons to attend as witnesses to enforce their attendance, and to compel them to produce books, documents and things, and to give evidence as any court has in civil cases.

98. No company incorporated elsewhere than in Canada shall have corporate powers in the province conferred upon it under the provisions of section 6 of this Act, unless it shows to the satisfaction of the Treasurer that it has carried on successfully for a period of at least five years the class or classes of insurance which it proposes to undertake.

99. Where a contract of insurance other than one of life insurance has been delivered it shall be as binding on the insurer as if the premium had been paid, although it has not in fact been paid, and although delivered by an officer or agent of the insurer, who had not authority to deliver it.

(2) This section shall have effect notwithstanding any agreement, condition or stipulation to the contrary.

(3) Where the premium is paid by a cheque or a promissory note and the cheque is not paid on presentation or the promissory note at maturity the contract shall at the option of the insurer be void.

100. The fact that any insurance corporation is in arrears in payment of any tax or fee imposed upon it by this Act may be pleaded to any action brought by it and if established shall be an effectual bar to such action until such arrears are paid or extinguished.

(2) No registrar of land titles for any land registration district within the province shall register any instrument made by or in favour of, or purporting to confer any interest in land, whether by way of caveat or otherwise, upon any insurance corporation until he is satisfied that such insurance corporation is not in arrear for any tax or fee imposed thereon by this Act.

101. For the purpose of carrying out the provisions of this Act according to their true intent and supplying any deficiency therein the Lieutenant Governor in Council may make rules and regulations not inconsistent with the spirit of this Act, including the fixing of a scale of fees for departmental services, which shall have the same force and effect as if incorporated herein.

102. *The Alberta Insurance Act*, being chapter 16 of the Statutes of 1913, is hereby repealed but all actions and proceedings already instituted under the said Act may be completed under the provisions thereof.

INSURANCE
SCHEDULES.

Cap. 8

1915

SCHEDULE A.

(Section 7.)

Age at Entry	NET LEVEL PREMIUM FOR ALL-LIFE INSURANCE OF \$1,000			
	Yearly in advance	Half-yearly in advance	Quarterly in advance	Monthly in advance
18	\$ 9.86	\$ 5.00	\$ 2.51	\$.84
19	10.20	5.18	2.60	.87
20	10.55	5.36	2.69	.90
21	10.91	5.53	2.78	.93
22	11.28	5.71	2.87	.96
23	11.66	5.89	2.96	.99
24	12.03	6.07	3.05	1.02
25	12.42	6.25	3.14	1.05
26	12.76	6.43	3.23	1.08
27	13.12	6.60	3.32	1.11
28	13.49	6.78	3.41	1.14
29	13.87	7.02	3.53	1.18
30	14.31	7.20	3.62	1.21
31	14.76	7.44	3.74	1.25
32	15.22	7.68	3.86	1.29
33	15.73	7.91	3.98	1.33
34	16.25	8.21	4.13	1.38
35	16.82	8.51	4.28	1.43
36	17.42	8.81	4.43	1.48
37	18.05	9.10	4.57	1.53
38	18.71	9.46	4.75	1.59
39	19.42	9.82	4.93	1.65
40	20.18	10.17	5.11	1.71
41	20.97	10.59	5.32	1.78
42	21.81	11.01	5.53	1.85
43	22.70	11.48	5.77	1.93
44	23.65	11.96	6.01	2.01
45	24.66	12.44	6.25	2.09
46	25.72	12.97	6.52	2.18
47	27.31	13.80	6.94	2.32
48	28.10	14.16	7.12	2.38
49	29.36	14.82	7.45	2.49
50	30.72	15.53	7.80	2.61
51	32.17	16.24	8.16	2.73
52	33.71	17.02	8.55	2.86
53	35.34	17.85	8.97	3.00
54	37.07	18.74	9.42	3.15
55	38.94	19.64	9.87	3.30

SCHEDULE B.

(Section 48.)

STATUTORY DECLARATION.

In the matter of *The Alberta Insurance Act*, and in the matter of the annual statement of....., an insurance corporation.

We,....., of the.....
of....., in the..... of.....
and..... of.....
in the..... of....., do solemnly declare:

1. That I, the said....., am the.....
of....., the above named insurance corporation;

2. That I, the said....., am the.....
 of....., the above named insurance corporation;
 3. That each of us has the means of verifying the correctness of the state-
 ment within contained (or hereunto annexed) of the affairs of the said insur-
 ance corporation, and that on the.....day of.....
 last all the above described assets were the absolute property of the said
 insurance corporation, free and clear of any and every lien or claim thereon,
 except as above stated, and that the said statement and the schedules and
 explanations hereunto annexed and by us subscribed are a full and correct
 exhibit of all the liabilities and of the income and expenditure and of the
 general condition and affairs of the said insurance corporation on the said
day of.....last and for the
year ending on that date.

And we severally make this solemn declaration, conscientiously believing
 it to be true and knowing that it is of the same force and effect as if made
 under oath and by virtue of *The Canada Evidence Act*.

SEVERALLY DECLARED before me at }
 , in the }
 of }
 this.....day of....., }
 A.D. 19..... }

A Commissioner, Notary Public, etc.

SCHEDULE C.

STATUTORY CONDITIONS.

1. If any person insures property and causes the same to be described
 otherwise than as it really is to the prejudice of the company, or misrepres-
 ents or omits to communicate any circumstance which is material to be
 made known to the company, in order to enable it to judge of the risk it
 undertakes, such insurance shall be of no force in respect to the property
 in regard to which the misrepresentation or omission is made.

2. Any change, material to the risk, and within the control or knowledge
 of the assured, shall avoid the policy as to the part affected thereby, unless
 the change is promptly notified in writing to the company or its local agent;
 and the company when so notified may return the unearned portion, if any,
 of the premium which has been paid for the unexpired period and cancel
 the policy, or may demand in writing, by registered letter addressed to the
 assured at his last post office address notified to the company, and where
 no address notified then to the post office of the agency from which the
 application was received, an additional premium, which the assured shall,
 if he desires the continuance of the policy, within fifteen days pay to the
 company, and if he neglects to make such payment within fifteen days after
 receiving such demand the policy shall be no longer in force.

3. If the assured now has any other insurance on any property covered
 by this policy which is not disclosed to the company or hereafter effects
 any other insurance thereon without the written assent of the company,
 he shall not be entitled to recover in excess of sixty per cent. of the loss or
 damage in respect of such property; but if for any fraudulent purpose the
 assured does not disclose such other insurance to the company this policy
 shall be void.

(a) If within two weeks after written notice of such other insurance or
 of any intended insurance, or after that time and before such other insurance
 is effected, the company does not dissent by notice in writing to the assured,
 it shall be deemed to have assented thereto.

4. In the event of there being any other insurance on the property herein
 described at the time of the happening of any loss or damage in respect thereof,
 then this company shall be liable only for the payment of a rateable propor-
 tion of such loss or damage or of such amount as the assured shall be entitled
 to recover as provided by condition No. 3.

5. After application for insurance, if the same is in writing signed by the
 assured, it shall be deemed that any policy sent or delivered to the assured
 is intended to be in accordance with the terms of the application, unless
 the company points out in writing, the particulars wherein the policy differs
 from the application. If the policy has been issued on verbal application
 or instructions of the assured it shall be deemed to be in accordance with
 such application or instructions, unless the assured points out to the com-
 pany in writing the particulars wherein the policy differs from such applica-
 tion or instructions.

6. No condition of the policy, either in whole or in part, shall be deemed to have been waived by the company, unless the waiver is clearly expressed in writing, signed by an agent of the company.

7. Any officer or agent of the company who assumes on behalf of the company to enter into any written agreement relating to any matter connected with the insurance shall be deemed *prima facie* to be the agent of the company for the purpose.

8. Any written notice to the assured may be by letter delivered to the assured or by registered letter addressed to him at his last post office address notified to the company or where no address is notified and the address is not known, addressed to him at the post office of the agency, if any, from which the application was received.

9. Any written notice to the company may be delivered at the head office or chief agency of the company in the province in which the property is situate, or sent by registered post addressed to the company, its manager or agent, at such head office or chief agency or may be delivered or sent by registered post to an authorized agent of the company.

10. The insurance may be terminated by the company by giving to the assured fifteen days' notice in writing or five days' personal notice to that effect, and if on the cash plan by tendering therewith a rateable proportion of the premium paid, for the unexpired term, calculated from the termination of the notice, and the policy shall cease after such notice or notice and tender, as the case may be, and the expiration of the fifteen days or five days, as the case may be.

11. The insurance, if on the cash plan, may also be terminated by the assured by giving written notice to that effect to the company or its authorized agent, in which case the company may retain the customary short rate for the time the insurance has been in force, and shall repay to the assured the balance of the premium paid.

12. If the property insured is assigned without a written permission endorsed hereon by an agent of the company duly authorized for such purpose, the policy shall thereby become void; but this condition does not apply to change of title by succession or by operation of the law, or by reason of death.

13. Money, books of account, securities for money, and evidences of debt or title, are not insured.

14. The company is not liable for the losses following, that is to say:

(a) For the loss of property owned by any other person than the assured, unless the interest of the assured is stated in or upon the policy; nor for loss beyond the actual value destroyed by fire nor for loss occasioned by Ordinance or law regulating construction or repair of buildings;

(b) For loss caused by invasion, insurrection, riot, civil commotion, military or usurped power;

(c) Where the insurance is upon buildings or their contents for loss caused by the want of good and substantial brick or stone or cement chimneys; or by ashes or embers being deposited, with the knowledge and consent of the assured, in wooden vessels; or by stoves or stovepipes being, to the knowledge of the assured, in an unsafe condition or improperly secured;

(d) For loss or damage to goods destroyed or damaged while undergoing any process in or by which the application of fire heat is necessary;

(e) For loss or damage occurring to buildings or to their contents while the buildings are being altered or repaired by carpenters, joiners, plasterers, or other workmen, and in consequence thereof, unless permission to execute such repairs or alterations has been previously granted in writing, signed by a duly authorized agent of the company, but fifteen days are allowed in each year for incidental alterations or repairs without such permission;

(f) For loss or damage occurring while petroleum, rock, earth or coal oil, camphene, gasoline, burning fluid, benzine, naphtha or any liquid products thereof, or any of their constituent parts (refined coal oil for lighting purposes only, not exceeding five gallons in quantity, or lubricating oil not being crude petroleum nor oil of less specific gravity than required by law for illuminating purposes, not exceeding five gallons in quantity, excepted) or more than twenty-five pounds weight of gunpowder is or are stored, kept or used by the assured or to his knowledge by any other person under his control, in the building insured or containing the property insured unless permission is given in writing by the company. In the case of gasoline not more than a quart shall be stored, kept, or used upon the premises without a permit;

(g) Where the building insured or containing the property insured be, or becomes vacant and unoccupied for a period of thirty days to the knowledge of the assured without the consent of the company in writing.

15. The company shall make good loss or damage caused by the explosion of coal or natural gas in a building not forming part of gas works, and loss or damage by fire caused by any other explosion or loss or damage caused by lightning, whether fire ensues therefrom or not, but if dynamos, excitors, lamps, switches, motors, or other electrical appliances or devices are insured any loss or damage to them caused by lightning or other electrical currents, artificial or natural, is expressly excluded and the company is liable only for such loss or damage to them as may occur from resultant fire originating outside the machines themselves.

16. Where property insured is only partially damaged, no abandonment of the same will be allowed unless by the consent of the company or its agent; and in case of removal of property to prevent damage thereto, the company will contribute to the loss and expenses attending such act of salvage proportionately to the respective interest of the company or companies and the assured; and that part of this policy in excess of its proportion of any loss and of the value of the property remaining in the original location, shall for the ensuing seven days only or for the unexpired term of the policy if less than seven days, cover the property so removed in the new location or locations in the proportion that the value in any one such new location bears to the value in all such new locations.

17. The company instead of making payment, may repair, rebuild or replace, within a reasonable time, the property damaged or lost, giving notice of their intention within fifteen days after receipt of the proofs herein required.

18. Subject to condition 19 proof of loss must be made by the assured, although the loss is payable to a third person.

19. Proofs of loss may be made by the agent of the assured, in case of the absence or inability of the assured himself to make the same, such absence or inability being satisfactorily accounted for, or in the like case or if the assured refuses to do so by a person to whom any part of the insurance money is payable.

20. Any person entitled to make a claim under this policy shall:

(a) Forthwith after loss give notice in writing to the company;

(b) Deliver, as soon after as practicable, as particular an account of the loss as the nature of the case permits;

(c) Furnish therewith a statutory declaration declaring: That the account is just and true; when and how the loss occurred, and if caused by fire how the fire originated, so far as the declarant knows or believes; that the loss did not occur, or if caused by fire, that the fire was not caused through any wilful act or neglect or the procurement, means or contrivance of the assured; the amount of other insurances, and names of other insuring companies; all liens and encumbrances on the subject of insurance; the place where the property insured, if movable, was deposited at the time of the fire;

(d) If required and if practicable, produce books of account, warehouse receipts and stock lists, and furnish invoices and other vouchers, verified by a statutory declaration in support of his claim, and furnish copies of the written portion of all policies, separate as far as reasonably may be the damaged from the undamaged property and exhibit for examination all that remains of the property which was covered by the policy. The evidence furnished under this clause shall not be considered proofs of loss within the meaning of condition 23.

21. Any fraud or false statement in any statutory declaration in relation to any of the above particulars shall vitiate the claim of the person making the declaration.

22. If any difference arises as to the value of the property insured, the property saved, or the amount of the loss, such value and amount and the proportion thereof (if any) to be paid by the company shall, whether the right to recover on the policy is disputed or not, and independently of all other questions, be submitted to the arbitration of some person to be chosen by both parties, or if they cannot agree on one person, then to two persons, one to be chosen by the party assured and the other by the company, and a third to be appointed by the persons so chosen, or in their failing to agree, then by a judge of the district court of the district in which the loss has happened; and such reference shall be subject to the provisions of *The Arbitration Act*; and the award shall, if the company is in other respects liable, be conclusive as to the amount of the loss and the proportion to be paid by the company; where the full amount of the claim is awarded the costs shall follow the event; and in other cases all questions of costs shall be in the discretion of the arbitrators.

23. The loss shall be payable in sixty days after the completion of the proofs of loss, unless a shorter period is provided for by the contract of insurance.

24. Every action or proceeding against the company for the recovery of any claim under or by virtue of this policy, shall be absolutely barred, unless commenced within one year next after the loss or damage occurs.

1915

CHAPTER 9.

An Act to amend Chapter 25 of the Statutes of Alberta, 1914, being "An Act for Raising Money on the Credit of the General Revenue of Alberta."

(Consolidated in 1914, c. 25.)

1915

CHAPTER 10.

An Act to amend The School Ordinance, The School Assessment Ordinance, The School Grants Act, and The Truancy Act.

(Consolidated in various Acts and Ordinances.)

1915

CHAPTER 11.

An Act to provide for the Inspection of Stock.

(Assented to April 17, 1915.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Stock Inspection Act.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires—

1. The expression "brand" means any letter, sign, character or numeral recorded as allotted to any owner and the permanent impression of any letter, sign, character or numeral placed upon stock under the provisions of chapter 24 of the Statutes of Alberta of 1913 (2nd Session);

2. The expression "brand reader" means any person appointed by the Minister to give an accurate description of an estray;

3. The expression "Minister" means the Minister of Agriculture;

4. The expression "department" means the Department of Agriculture;

5. The expression "special inspector of stock" means a person appointed by the Minister who, in addition to the duties of an inspector of stock as provided herein, has special duties to perform under rules and regulations passed from time to time by the Lieutenant Governor in Council, and includes special deputy inspector;

6. The expression "inspector of stock" means any person appointed as such by the Minister;

7. The expression "stock" includes any horse, mare, gelding, colt or filly, ass or mule and any bull, cow, ox, heifer, steer or calf;

8. The expression "cattle" means any bull, cow, ox, heifer, steer or calf.

SPECIAL INSPECTOR AND SPECIAL DEPUTY INSPECTOR.

3. Where the number of animals shipped to or from any point, or slaughtered thereat, is sufficient in the opinion of the Minister to require special inspection, he shall appoint a special inspector of stock for such point who shall, in addition to the ordinary duties of an inspector of stock, inspect the stock on the premises of any slaughter house or abattoir or in any place where live stock is being held for feed, rest or sale and the remuneration of such special inspector of stock shall be fixed by the Minister.

(2) It shall be the duty of all shippers of stock to furnish the special inspector of stock with memoranda of sale similar to those required under section 8 hereof for shipment of stock to a point outside the province and it shall be the duty of the special inspector of stock to procure such memoranda and to forward same to the Minister on the first day of each month.

(3) Where a special inspector of stock finds that any animal has been unlawfully shipped or is being unlawfully held, he shall detain such animal and offer same for sale by auction or otherwise at a reserve price of the average amount paid for such stock according to class and age at the point of shipment or place where such animal is held.

No special inspector of stock shall purchase in person or by his agent, directly or indirectly, any stock detained or offered for sale by him, nor shall he acquire any interest of any kind in any such stock.

(4) The special inspector of stock detaining and selling or collecting the price of any animal shall immediately forward the net amount of sale or amount so collected to the department, together with a return, giving an accurate description of each animal so detained, any brand or brands it bears, and name and address of the shipper or person holding, the point of shipment or place where held and date of such shipment or holding and, if sold, the name and address of the purchaser.

(5) Upon the receipt of the said money and return the department shall forward the money to the owner, if known, and in case the owner cannot be found a description of the animal and full particulars regarding same shall be published in two consecutive issues of *The Alberta Gazette*, and the money paid over upon satisfactory proof of ownership being made to the department within twelve months from the date of the sale, otherwise such money shall form part of the general revenue fund.

4. A special inspector of stock may (with the consent of the Minister) by writing under his hand appoint one or more persons to be special deputy inspectors of stock, and the production of a writing purporting to be the appointment of a special deputy inspector shall be *prima facie* evidence of such appointment. Said special deputy inspectors shall receive such remuneration as may be fixed by the Minister.

5. Special inspectors and special deputy inspectors of stock shall for the purposes of this Act have the powers of constables and of brand readers.

INSPECTION BEFORE SHIPMENT.

6. The Minister may from time to time appoint such persons as he may think fit to be inspectors of stock and, for the purposes of this Act, such inspectors of stock shall have all the powers of brand readers as provided in *The Stray Animals Ordinance*.

7. No person shall place any stock consigned to a point outside of the province in a railway car unless such stock has first been inspected by an inspector of stock and such inspector has issued

a certificate in or to the effect of form A in the schedule hereto, nor shall any person who has billed any stock to a point within the province re-bill such stock to a point outside of the province without a certificate by an inspector of stock. The inspector of stock shall be entitled to a fee of five cents per head, with a minimum fee of twenty-five cents, for such certificate:

Provided, however, that the provisions of this section shall not apply to the shipment of stock registered in the records maintained, or approved of by the National Records at Ottawa, and the presentation of the pedigree certificate to the station agent shall be sufficient authority to ship such stock.

8. No certificate shall be issued by any inspector of stock unless the shipper of such stock produces to him a memorandum of sale signed by the person who, from the brand or brands on such stock, appears to be the owner thereof or unless such person or his agent verbally consents to the granting of the certificate by the inspector.

(2) The provisions of this section shall not apply to any shipper of stock branded with the recorded brand of such shipper but such shipper shall, before receiving the said certificate, deliver to the inspector a memorandum signed by him or his agent, setting forth the age, sex and brands of each animal.

(3) In the case of unbranded stock the shipper shall sign and deliver to the inspector a memorandum setting forth the age, sex and description of each animal and stating from whom each animal was originally acquired by him or his agent.

THE INSPECTION OF ANIMALS SOLD AT PUBLIC AUCTION
OR PRIVATE SALE.

9. No vendor of any stock, no owner or lessee of any premises where a sale takes place and no auctioneer conducting a sale shall in the case of—

- (a) Stock sold at public auction at any sale yard, sale, exchange or other stable where stock is kept for sale or exchange;
- (b) Stock sold at private sale at any sale yard, sale, exchange or other stable where stock is kept for sale or exchange;
- (c) Stock sold at a farm or other auction or private sale not included in subsections (a) and (b) hereof where stock is offered for sale that has not been on the premises for at least thirty days,

accept settlement for nor deliver possession of, nor allow such stock to be removed from the premises where the sale takes place until an inspector of stock or a brand reader gives to the purchaser a duly signed certificate of such stock, containing a description of each animal, its brands, age, sex, colour and markings, and the vendor shall pay for such certificate the sum of ten cents per head for each animal sold. No inspector of stock or brand reader shall issue such certificate without first securing the memorandum hereinafter referred to and without first personally inspecting the stock and for failure to do so and for gross carelessness or fraud in preparing the description in any certificate he shall be liable to the penalty hereinafter provided.

(2) It shall be the duty of the auctioneer at any auction sale coming under the provisions of this section to cause a list of the stock to be sold at such sale, containing a description of each animal with its brands, to be made, signed by himself and an inspector of stock or a brand reader, and posted in a conspicuous position at the place of sale at least three hours before the sale commences and to see that same remains posted till the conclusion of the sale; and he shall give to each purchaser of stock at said sale a memorandum of sale signed by the owner and himself in the following form:

“MEMORANDUM OF SALE BY AUCTION.

“Sold by auction this.....day of.....
19....., to.....of.....P.O.,
the following stock:

“(Here state age, sex, colour and brands of each animal.)

“.....
Auctioneer. Owner.”

Every vendor shall give the inspector of stock or brand reader a memorandum duly signed by said vendor setting forth the name and address of the person from whom each animal was acquired.

(2) Every inspector and brand reader shall forward to the department on the first day of each month a copy of all certificates issued by him during the month next preceding, with all memoranda and other data connected with each certificate attached thereto.

10. In case any inspector of stock or brand reader has reason to believe that any certificate of inspection issued by him was improperly issued or that the person to whom it was issued was not for any reason entitled to the same the inspector or brand reader may demand the return to him of such certificate for cancellation and the person then holding the same shall thereupon return such certificate.

11. The inspector of stock or brand reader shall be entitled to a fee of ten cents for every animal inspected by him under this Act and not otherwise provided for with a minimum fee of twenty-five cents for each certificate and the said fee shall be paid to the inspector or brand reader before any certificate of inspection is given by him.

BUTCHERS AND HIDE DEALERS.

12. There shall be taken out by every butcher and by every other person dealing in the purchase and sale of hides a license in form B hereto, good for the current year, for which the person obtaining the same shall pay to the Minister of Agriculture at the time of applying for such license the sum of one dollar, and it shall not be lawful for any person, firm, corporation or partnership to engage in business as a butcher or as a dealer in hides without having first obtained such license.

13. Every butcher shall keep a record of all cattle slaughtered by or for him, naming therein the person from whom obtained

and his place of residence and the age, sex, brands (if any) and markings of any such cattle, which record shall be kept at the place of business of such butcher and shall at all times be open for inspection by any person, and a copy of such record duly signed shall be sent to the Minister on the first of each month.

14. Every butcher and every other dealer in hides shall keep a record of the hides of all cattle purchased, naming therein the person from whom obtained and his place of residence and the brands (if any) and markings of all such hides, which record shall be kept at the place of business of such butcher or other dealer in hides and shall at all times be open for inspection by any person, and a copy of such record duly signed by the party shall be sent to the Minister on the first of each month.

15. It shall not be lawful for any railway station agent to accept for shipment any hides of cattle excepting those offered for shipment by a licensed butcher or dealer in hides, unless same is accompanied by a certificate of inspection by an inspector of stock or a brand reader, which said certificate may be obtained from said inspector of stock or brand reader upon the applicant furnishing him with a signed memorandum similar to the record required under section 14 hereof.

16. An inspector of stock or brand reader shall be entitled to a fee of ten cents for each hide inspected and such inspector of stock or brand reader shall be liable to the penalty provided herein if he fails to personally inspect the hide for which a certificate is asked or if he is guilty of negligence in preparing the description of same or if he fails to forward to the Minister on the first of each month a report on all certificates issued, together with the memoranda obtained by him in connection therewith.

17. No person who slaughters any head of cattle shall sell the hide to anyone but a licensed buyer.

18. No person other than the owner of an animal, or his agent, shall remove the hide from the carcass of any cattle found dead.

INSPECTOR'S RETURN.

19. Every special inspector of stock and every inspector of stock appointed under the provisions of this Act shall, on or before the fifteenth day of January of each year, make a return to the Minister setting forth the fees and emoluments received under this Act for the year next preceding and shall at all times furnish the Minister on demand with any information he may require.

PENALTIES.

20. Any person contravening any of the provisions of this Act or of any rules or regulations thereunder shall be guilty of an offence and on summary conviction thereof shall be liable to a penalty not exceeding one hundred dollars and costs.

21. The Minister may from time to time make such regulations and prescribe such forms as may be deemed necessary for

the proper carrying into effect of the provisions of this Act, and such regulations shall have the same force and effect as if they were included in this Act and herein enacted.

22. *The Stock Inspection Ordinance* is hereby repealed.

SCHEDULE.

FORM A.

THE STOCK INSPECTION ACT.

A.D. 19.....

I have this day inspected for.....
at.....head of stock described as follows:
 (Here state age, sex, and brands of each animal.)
Inspector of Stock or Brand Reader.....

FORM B.

GOVERNMENT OF THE PROVINCE OF ALBERTA.

DEPARTMENT OF AGRICULTURE.

No. Fee, \$..... :

BUTCHER'S AND HIDE DEALER'S LICENSE.

Under and by virtue of the power vested in the Minister of Agriculture under *The Stock Inspection Act* of the Province of Alberta of in the is hereby authorized to buy and sell the hides of cattle under the provisions of the law in that respect, on the premises occupied by him in in the Province of Alberta between the day of and the thirty-first day of December, 191....

Dated at Edmonton, Alberta, this day of 191.....

Deputy Minister of Agriculture.

1915

CHAPTER 12.

An Act to Govern and Regulate the Driving or Trailing of Sheep.

(Assented to April 17, 1915.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Sheep Trailing Act.*"

2. Whenever the owner of five hundred or more sheep desires to move same on foot from one point of the province to another distant twenty-five miles or more, he shall send a notice of such intention to the live stock commissioner of the province, at least ten days before starting on the proposed move. Said notice shall set out—

- (a) The full name and address of the owner of the sheep to be trailed;
- (b) The starting point;
- (c) The objective point;
- (d) The proposed route;
- (e) The number of sheep to be trailed;
- (f) The probable date of starting;
- (g) The name of responsible person who will be in charge of the sheep;

Provided that said notice shall not be necessary where the sheep are being driven directly to market.

3. Sheep that are being driven or trailed over public roads, trails or road allowances of the Province of Alberta must be in charge of the owner, or his agent, whose duty it shall be to see that the sheep are kept moving and under the control of the herders, and that they travel a minimum total distance of five miles a day.

4. The owner, or agent of any owner of sheep which are being driven over the roads, trails and road allowances in the Province of Alberta shall keep said sheep to such roads, trails and road allowances, and any owner or agent who allows said sheep, or any of them, to enter on the lands or rights of any person holding homestead entry, patent, lease or permit shall be liable for all damage done thereon, whether said lands are fenced or not, any provision of *The Fence Ordinance* to the contrary notwithstanding.

5. When sheep that are being driven or trailed enter upon private land or land held under lease or permit they may be seized by the owner, lessee or permittee of such lands and held until all damages resulting from said entrance shall have been paid.

6. When sheep have been thus seized and the parties cannot agree on the amount of the damages, or if the amount is not paid forthwith, the person making the seizure shall report same to the nearest justice of the peace without delay.

7. The justice of the peace shall, on receiving notice of the seizure, appoint three disinterested persons to survey and assess the damage done, and upon receipt of their report shall order the payment of the amount, with costs, by the owner of the sheep or his agent to the party suffering the damage, and upon such payment shall order the release of the sheep.

8. If the owner of the sheep or his agent refuses or neglects to pay the amount as ordered by the justice of the peace, he may order the sheep under seizure to be sold to satisfy the claim for said amount and in the order of sale may prescribe such notice to be given, such further costs to be paid and such other conditions as to him may appear just and reasonable.

9. Nothing in this Act shall prevent any person who has suffered damages because of sheep entering upon his lands from recovering compensation in any court of competent jurisdiction from the owner of the sheep through which such damage has been caused, any provision of *The Fence Ordinance* to the contrary notwithstanding.

10. Any owner or agent of any owner who rescues or attempts to rescue or interfere, directly or indirectly, with any sheep seized for damages, or with the person seizing them, shall be liable on summary conviction to a penalty not exceeding one hundred dollars and costs.

11. Any herder who permits sheep under his charge, custody or control to wander on privately owned land or lands held under lease or permit and to commit damage to crops or meadows thereon shall be personally liable on summary conviction to a fine not exceeding ten dollars for each and every offence.

12. Any person contravening any of the provisions of this Act shall be guilty of an offence and, wherein not otherwise provided for, shall, on summary conviction, be liable to a penalty not exceeding one hundred dollars and costs.

1915

CHAPTER 13.

An Act respecting Irrigation Districts.

(Assented to April 17, 1915.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Irrigation District Act*, 1915."

INTERPRETATION.

2. In this Act, unless the context otherwise requires—

(1) The expression "Irrigation Act" means the Act of the Parliament of Canada, known as *The Irrigation Act*, chapter 61 of the Revised Statutes of Canada, 1906, and any amendments thereto which may have been or may hereafter be passed;

(2) The expression "district" means any irrigation district created under the provisions of this Act;

(3) The expression "water users' district" means any water users' district created under the provisions of this Act;

(4) The expression "water user" means any owner who is using or is entitled under any agreement made under the authority of *The Irrigation Act* to a supply of water for irrigation purposes;

(5) The expression "owner" means and includes any person who by any right, title or estate whatsoever is or is entitled to be in possession of agricultural land in any district or water users' district or in any area proposed to be erected into a district or a water users' district under the provisions of this Act;

(6) The expression "works" shall, for the purposes of this Act, have the same meaning as the expression "works" in *The Irrigation Act*;

(7) The expression "voter" means any person duly qualified under the provisions hereof to vote at any election or upon the taking of any vote under the provisions hereof;

(8) The expression "Minister" means the Minister of Public Works for the Province of Alberta;

(9) The expression "engineer" means any engineer appointed under the provisions of this Act;

(10) The expression "board" means the board of trustees elected under the provisions of this Act.

3. Any irrigation district now existing which was constituted or erected under any Ordinance of the North-West Territories heretofore in force is hereby continued and shall be subject to the provisions of this Act.

ORGANIZATION OF DISTRICTS.

4. The majority of the owners of the full age of twenty-one years representing not less than one-half of the total area of land affected, and resident within any tract of land, or within five miles thereof, not already in an irrigation district may petition the Minister to erect such tract into an irrigation district under the provisions of this Act and such petition shall clearly define the area and boundaries of such tract.

(2) Accompanying such petition shall be a statutory declaration made by two responsible owners resident within the tract, who have signed the petition, that they verily believe that one-half of the proposed district can be irrigated from the proposed works, that the signatures to the petition have been affixed in their presence and that the signers are a majority of the owners of the full age of twenty-one years, resident within the tract or five miles of such tract, which it is desired to have created a district.

5. Upon receipt of such petition by the Minister he shall cause a notice to be published within one month in *The Alberta Gazette* stating that application has been made for the erection of such tract (describing it) into an irrigation district under the provisions hereof; and a like notice shall be published once by the petitioners in a newspaper published within the proposed district, or if there be no such newspaper then in the newspaper published nearest thereto.

6. If at the expiration of two weeks from the publication of the said notice in such newspaper no substantial objection to the erection of the proposed district has been made the Minister shall appoint a resident owner to be returning officer for the purpose of taking a vote of the owners within the proposed district upon the question of the erection of such district.

7. The Minister shall cause such returning officer to be notified of his appointment and on receipt of such notification the returning officer shall cause a notice signed by him in form A in the schedule hereto to be posted in at least ten conspicuous and widely separated places within such proposed district and in the post office therein or nearest thereto and shall also cause a copy of such notice to be published at least one week before the time fixed for the meeting in some weekly newspaper published in the proposed district or in case there is none published therein in a newspaper published at the point nearest thereto.

(2) Such meeting shall be held at or near the point most centrally situated within the proposed district where a suitable building therefor can be obtained.

(3) A certified copy of such notice together with a statutory declaration by the returning officer proving the due posting and publication thereof shall be forwarded to the Minister.

(4) The persons entitled to take part and vote at such meetings shall be the owners of the full age of twenty-one years.

(5) Any corporation, being an owner as defined by this Act, shall be entitled to vote by any one of its properly authorized officers, resident within the province.

8. At the hour appointed in the notice calling such meeting, which shall not be later than ten o'clock in the forenoon, the returning officer shall read to the meeting the petition for the erection of the district or a copy thereof and his appointment as returning officer, after which and until noon of the same day, he shall take the votes of the voters present on the question of the erection of the district.

(2) Every voter shall sign a declaration as in form B in the schedule hereto and record his vote as provided in such form.

(3) The returning officer may vote.

ELECTION OF TRUSTEES.

9. If such vote results in two-thirds of the voters voting in favour of the erection of the district, the returning officer shall proceed to hold an election of three trustees for the district and at one o'clock of the afternoon of the same day, the returning officer shall proceed to receive nominations of candidates for election as trustees.

10. Persons qualified as voters and no other persons shall be entitled to nominate candidates.

(2) Trustees shall be owners resident in the district, or within five miles, and qualified as voters.

(3) Nominations may be made during the first hour of the election meeting.

(4) If no more than the requisite number of persons are nominated the returning officer shall declare them elected.

(5) If more than the requisite number of persons are nominated during such period, the returning officer shall at the expiration thereof declare the nominations closed and shall proceed to take a vote by open voting.

(6) The persons entitled to vote at such election shall be the owners of the full age of twenty-one years.

(7) Every voter shall have as many votes as there are trustees to be elected but shall in no case vote more than once for one candidate at the same election.

(8) If required to do so by any owner present or of his own accord, if deemed advisable, the returning officer shall administer an oath to any person applying to vote on the question of the erection of the district or the election of trustees for the district as to his qualification to vote, which oath shall be as follows:

"You do swear that you are of the full age of twenty-one years and that you are lawfully in possession or entitled to be in possession of agricultural land situate within this proposed irrigation district and that you have not received any reward or offer or promise of reward for voting at this election. So help you God."

Or in the case of an officer of any corporation, as follows:

"You do swear that you are of the full age of twenty-one years; that you are an officer of the (*naming the corporation*) resident within the province and duly authorized to vote on behalf of the said corporation; that the said corporation is lawfully in possession or entitled to be in possession of agricultural land situate within the proposed irrigation district; that neither you,

nor to the best of your knowledge and belief, the said corporation has directly or indirectly received any reward or offer or promise of reward for the vote which you now tender, nor do you or to the best of your knowledge and belief the said corporation expect to receive any. So help you God."

(9) The returning officer shall truly record in a poll book containing suitable columns, the name and residence of each person applying to vote, the land in respect of which he claims to be entitled to vote and unless he declines to take the oath the person or persons for whom he votes and if such person when required takes or declines to take the oath the returning officer shall record such fact in the poll book. Any person declining to take the oath shall not be permitted to vote.

(10) The poll book shall continue open until and be closed at the hour of five o'clock in the afternoon of the day of voting.

(11) At the close of the poll, the returning officer shall sum up the votes polled and declare elected the necessary number of candidates having the highest number of votes.

(12) The returning officer may vote and in case of an equality of votes for any candidates, the returning officer shall have a casting vote.

(13) Immediately after the election, the returning officer shall transmit to the Minister a statement of the result of the votes taken by him together with a solemn declaration in form C in the schedule hereto.

(14) The returning officer shall after he has forwarded his statement to the Minister hand the poll book to the secretary-treasurer of the district, when appointed.

(15) At subsequent elections, the secretary-treasurer of the district shall, unless the Minister appoints another person, be the returning officer and the provisions of this section shall apply and be observed at all elections of trustees.

(16) In case for any reason at any time trustees are not elected or are not duly elected hereunder the Minister may appoint trustees who shall hold office in all respects as if duly elected.

(17) If any two owners who were entitled to vote at the election make it appear to the satisfaction of the Minister by their solemn declaration that the election was irregularly or improperly conducted or that corrupt practices prevailed thereat and that by reason thereof, the result of the election was affected, the Minister may make or appoint some other person to make inquiries into the matter and cause evidence to be taken under oath or by solemn declaration and by order require the attendance of witnesses or production of documents and may make such order as to the said election and as to the persons entitled to hold the office of trustee as may seem proper and the trustees and officers of the district shall be bound by and shall observe such orders and the nonobservance of any order made under this section shall be an offence and the offender shall on summary conviction thereof be liable to a penalty not exceeding \$100.

11. If the statement made by the returning officer to the Minister under subsection 13 of section 10 hereof shows that a two-thirds majority of the voters representing not less than

one-half of the total area of land within the tract were in favour of the erection of the district, the Minister may, by order, erect the tract of land described in the petition into an irrigation district under the provisions of this Act.

(2) The order erecting such irrigation district shall set forth—

- (a) The name in full, situation and limits thereof;
- (b) The date and place at which the meeting of owners and the election of trustees was held;
- (c) The names of the elected trustees and their post office addresses.

(3) Such order shall be published within one month in *The Alberta Gazette*.

TRUSTEE'S DECLARATION OF OFFICE.

12. Every trustee shall within eight days after his election make the following declaration before the returning officer who shall forward the same to the Minister:

"I, A.B., do hereby accept the office of trustee to which I have been elected in (*name of irrigation district in full*) and I will to the best of my ability honestly and faithfully discharge the duties devolving on me as such trustee during the term for which I have been elected."

TRUSTEE'S TERM OF OFFICE.

13. The trustees elected at the first election shall hold office as follows:

(1) The candidate receiving the highest number of votes or the first one nominated if no vote has been taken shall be elected to serve until and including the thirty-first day of December of the second year following the election.

(2) The candidate receiving the second highest number of votes or second in order of nomination shall be elected to serve until and including the thirty-first day of December of the year following the election.

(3) The candidate receiving the third highest number of votes or the third in order of nomination shall be elected to serve until and including the thirty-first day of December following the election:

Provided always that when the election takes place between the thirtieth day of June and the thirty-first day of December following in any year, the third trustee shall continue in office until and including the thirty-first day of December the year following the election; the second trustee shall continue in office until and including the thirty-first day of December of the second year following the election; and the first trustee shall continue in office until and including the thirty-first day of December of the third year following the election:

Providing also that the retiring trustee shall remain in office until his successor is elected.

ANNUAL ELECTION OF TRUSTEE.

14. The regular annual election of a trustee to fill the vacancy which occurs yearly shall take place on a day in the first week in January at the hour of ten o'clock in the forenoon and in the

event of more candidates being nominated at twelve o'clock noon than the number required to fill vacancies then existing in the board, the nominations shall be closed and a poll shall be opened at that hour and shall close at five o'clock in the afternoon of the same day and the proceedings at such annual election shall as nearly as possible be the same as at the first election of trustees.

TRUSTEES A BODY CORPORATE.

15. The board of trustees of every district created hereunder shall be a body corporate and shall have all the rights and be subject to all the liabilities of a corporation; and especially shall have full power to acquire, hold and alienate water rights and all other powers and privileges under *The Irrigation Act* and real and personal estate for all purposes of the district and by the same name they and their successors shall have perpetual succession and they shall have power to sue and be sued, implead, and be impleaded, answer and be answered unto in all courts and in all actions, causes and suits at law and in equity whatsoever and they shall have a common seal with power to alter and modify the same at their will and pleasure; and they shall be in law capable of receiving by donation, acquiring, holding, disposing of and conveying any property real or moveable for the use of the said district and of becoming parties to any agreements in the management of the affairs of the said district and shall have all the powers necessary for the construction, working, maintenance and renewal of irrigation works necessary for the uses and purposes of the said district and the inhabitants thereof.

CHAIRMAN AND SECRETARY-TREASURER.

16. The board shall within ten days after the date of their election hold a meeting at which they shall proceed to elect a chairman who shall preside at all meetings of the board and at the same meeting the board shall appoint a secretary-treasurer.

17. The chairman of any meeting of the board may vote with the other members of the board on all questions and any question on which there is an equality of votes shall be deemed to be negatived.

18. In the event of the absence of the chairman from any meeting the remaining members of the board shall elect another chairman from amongst themselves who shall have all the powers of the chairman at such meeting.

19. Meetings of the board of trustees may be called at any time by the chairman or by two trustees by giving seven clear days' written notice of the same, and may be held at any convenient place within the district.

REGULATIONS AND BY-LAWS.

20. Every board may make regulations and by-laws in respect of matters not provided for by this Act and not contrary to law, consistent with the objects for which the district was created,

for governing its proceedings, calling meetings, appointing committees and generally such regulations as the interest of the district may require, and may appeal, alter and amend its own regulations and by-laws except where by-laws are made for the purpose of raising money, levying assessments or striking rates.

21. Every board may pass a by-law for paying the members thereof but such payment shall in no case exceed the sum of two dollars per day to each member and ten cents for every mile necessarily travelled in going to and from the meetings of the board.

22. The board of trustees shall define the duties of its officers and shall exact security from the secretary-treasurer for the faithful performance of his duties and it shall be the duty of every board at its first meeting in each year or within a reasonable time thereafter to examine the security so exacted and see that the same is a valid security.

AUTHORITY FOR CONSTRUCTION OF WORKS.

23. The board may forthwith after the erection of such district under the provisions hereof proceed to make an application in accordance with the provisions of *The Irrigation Act* for the water necessary for the irrigation of the district and for authority to construct the necessary works for the utilization of such water and may employ such surveyors or engineers as are required to obtain the necessary information to enable them to make such application.

(2) The board, instead of or in addition to making application for an authorization, may, subject to the approval of the Minister, enter into any contract for the construction or operation of any works or the supply or sale of water for irrigation purposes to or within the district, or for all or any of such objects with any company (as defined in *The Irrigation Act*) to which an authorization or license has been granted under *The Irrigation Act*; and all the provisions of this Act shall apply to the works provided for, or the supply or sale of water under the said contract, to the extent necessary to enable the board to carry out any such contract according to the terms thereof.

24. If the authorization to construct such works as provided by section 20 of *The Irrigation Act* be not obtained or a contract be not entered into as provided by subsection (2) of section 23 hereof, within six months after the date of the order creating the district or such further time as the Lieutenant Governor in Council may direct, the district shall cease to exist as such.

25. If the authorization provided for by section 20 of *The Irrigation Act* is issued such authorization together with a copy of the maps and plans required by *The Irrigation Act* shall be filed in the office of the secretary-treasurer of the board and shall be open for inspection by any owner or his agent at all reasonable times.

ENGINEER OF DISTRICT.

26. Immediately upon receipt of the authorization provided by section 20 of *The Irrigation Act* the board shall proceed to appoint a qualified engineer for the district whose duty it shall be to make the necessary detailed surveys for the proposed works together with the maps and plans of the same and he shall also make a careful estimate in detail of the amount required to construct the several portions of the proposed works and of the total amount required to complete the same; he shall also make an estimate in detail of the amount required to be expended in each year for the purpose of maintaining and operating the said works when constructed and such maps, plans and estimates shall be filed by him in the office of the secretary-treasurer and shall be open for inspection by any owner or his agent at all reasonable hours.

(2) Where any contract is or is proposed to be entered into by the board under the provisions of section 23, subsection (2) hereof, the board may appoint such an engineer to report upon such proposed contract or to advise the board from time to time upon the due performance thereof.

ASSESSMENT ROLL.

27. Upon completion of the maps, plans and estimates provided for in the preceding section the engineer so appointed shall make an assessment roll of the district in which he shall set down to the best of his knowledge, information, skill and ability in the first column thereof the name of each owner of each parcel of land in the district which is liable to taxation under the provisions hereof; in the second column thereof a description of the lands so owned; in the third column thereof the number of acres which are capable of being irrigated by the proposed works as shown by the maps and plans prepared by the engineer, and in the fourth column the number of acres which are not capable of being so irrigated.

(2) All land lying at a lower elevation than the sill of any gate by which, if constructed, water could be delivered for the irrigation of such land, and which land, in the opinion of the engineer, can be put in condition for irrigation and provided with the necessary lateral distributing system at a cost not exceeding eight dollars per acre of the land to be irrigated, shall be deemed to be irrigable for the purposes of this Act.

28. The engineer shall also in such assessment roll give a description of each parcel of lands liable to taxation the owners of which are unknown to him and shall opposite to each parcel enter in the several columns of the said roll the same particulars as are required by the preceding section.

29. Occupants of Crown lands in respect of which homestead or purchase rights have been granted shall be liable to taxation in respect of their occupancy of the same in the same way as owners of other land.

30. Upon completion of the assessment roll the engineer shall hand the same to the secretary-treasurer of the board who shall within one week after its receipt deliver to each person residing in the district whose name appears on the assessment roll or leave at his residence a notice setting forth the land in respect of which he is assessed or entered on the said roll and the number of irrigable and nonirrigable acres therein and shall mail a similar notice by registered letter to all the persons whose names appear on such roll who reside without such district and shall enter on the roll opposite the name of each person therein the date of such delivery or mailing and such entry shall be *prima facie* evidence of such delivery and of the date thereof.

(2) The assessment roll shall remain in the office of the secretary-treasurer of the board except when it is required before the court of revision or before a judge and shall be open for inspection by any owner or by his agent.

COURT OF REVISION.

31. The board shall form a court of revision for the trial of complaints of any owner as to himself or any other person being wrongfully assessed on the said roll or omitted therefrom or of being assessed in respect of property of which they are not the owners or occupants or as to the number of acres stated on such roll to be contained in any parcel or as to the number of acres thereof stated therein as being capable of irrigation by means of the proposed works.

32. The secretary-treasurer shall be the clerk of the court of revision and shall record all the proceedings thereof.

33. The proceedings of the court of revision and the mode of appeal thereto shall be as follows:

1. Any owner desiring to appeal may within two weeks from the date of the delivering or mailing of the assessment notice notify the secretary-treasurer in writing of the particulars and grounds of his appeal.

2. Forthwith after the receipt by the secretary-treasurer of the assessment roll he shall notify the board thereof and the board shall thereupon fix a day not less than one but within two months after such receipt of the roll and a place at which they will sit as a court of revision.

3. As soon as the time within which notice of appeal may be given has expired the secretary-treasurer shall personally or by mail notify the parties appealing and appealed against of the time and place fixed for the sitting of the court of revision.

4. The court of revision may meet and adjourn from time to time but so that their duties shall be completed within the said two months.

5. All evidence before the court of revision shall be taken on oath and any member of the court shall be competent to administer the oath to any person giving evidence before the court and the secretary-treasurer may when required issue a summons to any witness to attend such court or produce documents thereat and if any person so summoned as a witness fails without good and sufficient reason to attend or produce docu-

ments (having been tendered witness fees at the rate of \$1 per day and actual railway fare or mileage at the rate of ten cents per mile where railway is not available) he shall be guilty of an offence and on summary conviction thereof be liable to a penalty not exceeding \$50.

34. If at any time not later than two weeks before the date fixed for holding the court of revision it shall be discovered that any property has been omitted from the assessment roll the secretary-treasurer shall forthwith notify the owner thereof if he resides or has a place of business within the district that application will be made to the court of revision to add the name of such owner and the said property to the assessment roll and that such owner is required to attend the court of revision to show cause why the said property should not be assessed.

(2) If such owner does not reside within the district then such notice shall be posted by registered letter to the post office address of such owner.

(3) After such notice has been given as aforesaid and after the expiration of the time mentioned therein or if such person be not known then without any notice the board may unless good cause is shown to the contrary assess such property and direct the secretary-treasurer to enter the same upon the assessment roll with the name of such person if known upon which entry the said property shall be deemed to have been duly assessed.

35. The roll as finally passed by the court shall be valid and bind all parties concerned notwithstanding any defect, or error committed in or with regard to such roll or any defect, error or mis-statement in any notice required by this Act or the omission to deliver or transmit such notice.

36. The assessment roll herein provided for and as revised under the provisions hereof shall be the revised assessment roll of the district until such time as the board shall by by-law from time to time provide for the making of a new assessment roll and any assessment made under any such by-law shall be made and revised under and subject to all the provisions of this Act relating to assessments or appeals therefrom.

BY-LAW FOR RAISING LOAN.

37. If upon the revision of such roll in the manner herein provided it is found that the amount required to construct and complete the proposed works according to the maps, plans and estimates of the engineer and the amount required to defray the necessary expenses incurred in procuring the erection of such district and the said authorization including the cost of surveys and plans therefor (or the total amount required to be raised under the provisions of any contract proposed to be entered into under the provisions of section 23, subsection (2) hereof including all such necessary expenses) do not together exceed an amount equal to twenty-five dollars per acre of the lands shown by such assessment roll to be capable of irrigation by means of the proposed works and that the amount required to be raised annually for the purpose of maintaining such works and paying the expenses of the administration of the affairs of

such district does not exceed an amount equal to one dollar and fifty cents per acre of the lands shown by such roll to be capable of irrigation by means of such works the board shall forthwith submit to a vote of the voters of the said district a by-law providing for raising by loan upon the credit of the district the amount shown by such estimate to be required for the purposes of defraying the cost of construction of such works and the amount required to defray the necessary expenses incurred in procuring the erection of such district and in the proceedings hereunder and of obtaining such authorization (or the amount required to be raised under the provisions of any contract proposed to be entered into as aforesaid) and for levying the necessary rates for the payment of such loan and the interest accruing thereon and for the issues of debentures for the same.

38. Such by-law shall set forth—

- (a) The object of the by-law;
- (b) The date upon which it shall take effect;
- (c) The amount of the proposed loan showing the purposes for which it is proposed to be raised and the several amounts required for each purpose;
- (d) The times and manner of repayment thereof or of the debentures to be issued therefor, the rate of interest thereon and the times for payment thereof;
- (e) The total irrigable acreage of the rateable real property in the district as shown by such revised assessment roll;
- (f) The specific sum to be raised in each year during the currency of the by-law for the purpose of paying the several instalments of principal and interest payable thereunder.

39. Such by-law and the debentures issued thereunder shall provide for the payment of the whole principal money within thirty years from the time the by-law takes effect and shall be repayable by annual instalments extending over the whole of such period or the last twenty years thereof.

40. The board may in and by such by-law divide such district into polling subdivisions for the purpose of taking such vote and shall thereby fix the day and hour and polling place or places for taking the same and fix the time and place when and where the returning officer shall sum up the number of votes given for or against the by-law.

(2) The day so to be fixed for taking such votes shall not be less than two or more than four weeks from the first publication of such by-law in the manner hereinafter mentioned.

(3) The board shall appoint a returning officer and if necessary deputy returning officers. The returning officer may act as a deputy returning officer in which case the provisions hereof applicable to deputy returning officers shall apply to him.

41. The board shall before the voting thereon by the rate-payers publish a copy of the by-law in some newspaper published within the said district or if there be no such newspaper then in some newspaper published near the district and such publica-

tion shall appear in at least one number weekly of such newspaper for two consecutive weeks and the secretary-treasurer shall post up a copy of the by-law in his office.

42. Appended to each copy so published shall be a notice signed by the secretary-treasurer stating that such copy is a true copy of a proposed by-law which will be taken into consideration by the board after being voted on by the voters and stating the date of the first publication and the day, hour and place or places fixed for taking the votes of the persons entitled to vote.

43. The persons qualified to vote at the taking of the vote upon such by-law shall be the owners who were assessed on the last revised assessment roll and are of the full age of twenty-one years, and in the case of a corporation, being an owner as defined by this Act, any one of its properly authorized officers, resident within the province.

44. At the request of any person who is entitled to vote on such by-law the returning officer or deputy returning officer shall administer to any person applying to vote an oath of qualification in the following form:

"You do swear that you are of the full age of twenty-one years; that you are lawfully in possession or entitled to be in possession of agricultural land situate within the Irrigation District; that you were assessed on the last revised assessment roll of the said district; that you have not already voted on the by-law now before the voters and that you have not received any reward or offer or promise of reward for voting on the said by-law. So help you God."

Or, in the case of an officer of any corporation, the following:

"You do swear that you are of the full age of twenty-one years; that you are an officer of the (*naming the corporation*) resident within the province, and duly authorized to vote on behalf of the said corporation; that the said corporation is lawfully in possession or entitled to be in possession of agricultural land situate within the Irrigation District and was assessed on the last revised assessment roll of the said district; that neither you, nor to the best of your knowledge and belief, any one on behalf of the said corporation has already voted on the by-law now before the voters; and that neither you, nor to the best of your knowledge and belief the said corporation, had received any reward or offer or promise of reward for voting on the said by-law. So help you God."

45. The votes upon the by-law shall be given by ballot in the manner hereinafter set forth and the ballots shall be in form D in the schedule hereto.

46. The returning officer shall procure or cause to be procured as many ballot boxes as there are polling subdivisions in the district and cause to be printed a sufficient number of ballot papers for the purposes of the election.

47. The returning officer shall at least two days before polling day deliver one of the ballot boxes to each deputy returning officer.

48. The returning officer shall before the poll is opened cause to be delivered to every deputy returning officer the ballot papers and materials for marking the ballot papers.

49. The secretary-treasurer of the board shall supply to each deputy returning officer before the opening of the poll a certified list of the names of the owners of land within his polling subdivision as shown by the last revised assessment roll and no persons other than those named on such list shall be entitled to vote on such by-law.

50. Every deputy returning officer shall provide a compartment at the polling place to which he is appointed where the voters can mark their ballots screened from observation and may appoint a constable to maintain order at the polling place.

51. Every deputy returning officer shall immediately before the commencement of the poll open the ballot box and call such person as may be present to witness that it is empty; he shall then lock and properly seal the same to prevent its being opened without breaking the seal and then place the box in view for the reception of ballots and the seal shall not be broken nor the box unlocked during the time appointed for taking the votes.

52. No person shall be allowed in any polling place during the hours for polling except the returning officer, the deputy returning officer, the constable (if any), the voter engaged in voting and any agents appointed as in this section provided.

(2) On application to him the returning officer may appoint two persons for each poll to act as scrutineers on behalf of the persons in favour of the passage of the by-law and two persons for each poll to act as scrutineers on behalf of the persons opposed to the passage of the by-law but before such persons act as such agents they shall severally subscribe and make a declaration before the returning officer or a person empowered to administer oaths in the following form:

"I,....., do solemnly declare that I am interested in and desirous of securing (*or opposing, as the case may be*) the passage of the by-law now being or about to be submitted to the vote of the owners in..... Irrigation District."

53. Proceedings at the poll shall be as follows:

1. On a person presenting himself for the purpose of voting the deputy returning officer shall ascertain that the name of such person is entered or purports to be entered upon the voters' list of his polling subdivision.

2. If such person takes the oath prescribed by this Act the deputy returning officer shall cause to be entered opposite the name of such person in the proper column of the voters' list the word "sworn".

3. When such person as aforesaid has been required to take the oath prescribed by this Act and refuses to take the same

the deputy returning officer shall cause to be entered in the proper column of the voters' list the words "refused to be sworn"; no person who has refused to take the oath prescribed by this Act when requested to do so shall receive a ballot paper or be admitted to vote.

4. When the vote is objected to the deputy returning officer shall cause to be entered in the proper column of the voters' list opposite the voter's name the words "objected to".

5. After the proper entries respecting a person claiming to vote have been made in the voters' list in the manner prescribed the deputy returning officer shall stamp or sign his initials upon the back of the ballot paper and shall deliver the same to such person.

6. The deputy returning officer shall explain to the voter the mode of voting.

7. The deputy returning officer shall cause to be placed in the proper column of the voters' list a mark opposite the name of every voter receiving a ballot paper.

8. Only one person claiming to be entitled to vote shall be allowed at a time in the polling place.

9. Every person receiving a ballot paper shall forthwith proceed to the compartment provided for marking ballots and shall mark his ballot paper by placing a cross opposite the words "for the by-law" or opposite the words "against the by-law" as the case may be in accordance with his intention to vote for or against the proposed by-law; he shall then fold the ballot paper so as to conceal the marks on the face of the paper but so as to expose the initials of the deputy returning officer and on leaving the compartment shall forthwith and without exposing the face of the ballot paper to anyone or in any manner making known to any person which way he has voted deliver the same to the deputy returning officer who shall without unfolding it verify his initials and at once deposit it in the ballot box in the presence of all persons then present in the polling place.

10. While any voter is in the compartment for the purpose of marking his ballot paper no other person shall be allowed in the same compartment or be in any position from which he can see the manner in which such voter marks his ballot paper except as hereinafter provided.

11. In case any elector states he is unable to mark his ballot paper—

(a) The deputy returning officer shall administer an oath to such elector that he is unable to mark his ballot paper and shall then cause the vote of such elector to be marked as he directs and shall then place the same in the ballot box; and

(b) The deputy returning officer shall state in the voters' list opposite the name of such elector in the column for remarks the fact that the ballot paper was marked by him at the request of the voter and the reasons therefor.

12. Any elector who has spoiled his ballot paper in marking it and discovers the fact before it has been placed in the ballot box may on returning the same to the deputy returning officer and proving the fact to him obtain another ballot paper and the deputy returning officer shall mark upon the face of the ballot paper so spoiled the word "cancelled", and all ballot papers so marked shall be preserved by the deputy returning officer

and by him returned to the returning officer in the manner hereinafter provided.

13. Any person who has received a ballot paper and who leaves the polling place without delivering same to the deputy returning officer in the manner provided or if after receiving the same refuses to vote shall forfeit his right to vote and the deputy returning officer then shall make an entry in the voters' list opposite the name of such person in the column for remarks that such person received the ballot paper but did not return the same or that the person returned the ballot paper and declined to vote in which case the deputy returning officer shall mark upon the face of the ballot paper the word "declined", and all ballot papers so marked shall be preserved by the deputy returning officer and by him returned to the returning officer in the manner hereinafter provided.

14. Any deputy returning officer who is entitled to vote in a polling subdivision other than the one in which he is performing the duties of such officer may, subject to the other provisions hereof, vote at the polling station at which he is so engaged providing he produces a certificate from the secretary-treasurer that he is a qualified voter within the district and the deputy returning officer shall attach such certificate to the voters' list.

54. Immediately after the close of the poll, the deputy returning officer shall, in the presence of the poll clerk, if there be one, open the ballot box and proceed as follows:

1. He shall examine the ballot papers and reject all those on the back of which his initials are not found or on which more votes are given than the voter is entitled to give or on which anything appears by which the voter can be identified and any ballot paper so rejected shall be void;

2. Take a note of any objection made by any agent to any ballot paper found in the ballot box and decide on any question arising out of the objection;

3. Number such objection and place a corresponding number on the back of the ballot paper with the word "allowed" or "disallowed" as the case may be, with his initials;

4. Count the votes given for or against the said by-law from the ballot papers not rejected and make a written statement of the number of votes given for or against the said by-law and of the number of ballot papers rejected and not counted by him, which statement shall be then signed by him and such of the agents present as may desire to sign the same;

5. The deputy returning officer shall then certify under his own hand in full words on the voters' list the total number of persons who have voted at the polling place at which he is appointed, and make up into separate packets—

- (a) The statement of votes given for and against the by-law and of the rejected ballot papers;
- (b) The used ballot papers which have not been objected to and which have not been counted;
- (c) The ballot papers which have been objected to but which have been counted;
- (d) The rejected ballot papers;
- (e) The declined and cancelled ballot papers;
- (f) The voters' list;

which packets, closed up and sealed with his own seal and with the seals of any persons present desiring to affix their seals thereto and marked on the opposite side with a memorandum designating their respective contents, shall by the deputy returning officer be transmitted forthwith to the returning officer.

55. After the close of the poll the deputy returning officer shall make and subscribe before a justice of the peace a declaration in the following form:

"I, the undersigned, deputy returning officer for polling subdivision No. of Irrigation District do solemnly declare that the poll book kept by me for the said polling subdivision on the vote on the by-law of said district to raise \$. by way of loan was correctly kept, that the total number of votes polled at said polling subdivision was of which were in favour of the said by-law and were against it, that the voters' list used at said poll was used in the manner prescribed by law and the entries required to be made therein were made according to law and that I faithfully performed all the duties required of me by law."

(2) Such declaration shall be attached to the voters' list and sent to the returning officer.

56. At the time and place fixed for declaring the result of the election, the returning officer shall open the packet containing the statement of the number of votes given for and against the by-law and shall publicly declare as to whether the by-law has been assented to or rejected by the voters, as the case may be, in accordance with the majority of the votes cast.

57. After the voting the ballot boxes, packets and returns together with a statement showing the result of the vote shall be transmitted by the returning officer to the secretary-treasurer who shall be responsible for their safe keeping and for their delivery when required.

58. If the majority of votes polled upon such by-law is against the passing thereof the board shall forthwith report the same to the Minister and shall immediately proceed to discharge all the outstanding liabilities of the district and shall have power to make such assessments and levy such rates as may be necessary for such purpose; and so soon as all debts and liabilities of the district have been so discharged it shall immediately cease to exist as such.

59. If the majority of votes polled upon such by-law is in favour of the passing thereof it shall within one week from the day of voting be finally passed by the board.

60. The by-law for raising such loan shall receive the assent of the Minister of Public Works after the final passing thereof by the board which assent shall be conclusive evidence that all necessary formalities in respect to the passing thereof and to the vote thereon have been complied with; and the legality

of the said by-law and of all debentures issued thereunder shall be thereby conclusively established and shall not be questioned in any court.

61. The trustees, having received notice of the assent of the Minister of Public Works to such by-law, shall issue debentures for the amount of such proposed loan to secure the repayment of the same with interest upon the terms specified in the by-law; and the said debentures and the coupons thereof shall be sufficient when signed by two of the trustees of the district to bind the district and in the hands of any holder thereof shall be a charge or lien upon all the land (including the buildings and improvements thereon) within the district, and upon all the property of the district and all rates levied under the provisions of this Act therein.

62. The debentures to be issued under any such by-law shall be in the form following or to the like effect:

"CANADA

PROVINCE OF ALBERTA.

\$..... Debenture No.

"The trustees of..... Irrigation District
promise to pay to the bearer at.....
the sum of..... dollars of lawful money of
Canada in..... equal annual instalments with
interest at the rate of..... per cent. per annum
in the manner specified in the coupons attached hereto.

"Dated this..... day of..... 1.....

"For the said trustees.

..... *Trustee.*
..... *Trustee."*

"COUPONS.

"Coupon No.

"Debenture No.

"The trustees of..... Irrigation District
will pay the bearer at..... on the.....
day of....., 1....., the sum of.....
..... dollars, being the..... payment
with the total interest at the rate of..... per
cent. per annum due on that day on Debenture No.

..... *Trustee.*
..... *Trustee."*

63. The board shall not later than the first day of May in each year after the by-law takes effect make an estimate of the amount required to pay the instalments of principal and interest payable under such by-law up to the expiration of such year and the lawful expenses which shall be incurred during such year in carrying out the provisions of this Act, including salaries and expenses of officers and such allowances as the members of the board may be entitled to under the provisions hereof and the general expenses of the district, and shall forthwith pass a by-law authorizing and directing the levying and collecting of an equal rate upon each acre of irrigable land as shown by the last

revised assessment roll for the district which rate shall be sufficient to raise the amount of such estimate after making all due and reasonable allowances for the cost of collection and abatement for losses which may occur in the collection of taxes.

64. The secretary-treasurer shall be the collector of taxes for the district but the board may appoint another person to be such collector.

65. Immediately after the passing of such last mentioned by-law in each year the secretary-treasurer shall make out a collector's roll in which he shall set down in the first column thereof the full name of every person whose name appears upon the revised assessment roll as the owner of any irrigable land and in the second column thereof the amount for which each person is assessed in such assessment roll for such year and in the third column thereof the amount of the taxes and rates with which he is chargeable under the said last mentioned by-law and shall unless he himself is collector deliver the roll certified under his name to the collector appointed by the board.

66. The collector shall forthwith after the completion or delivery to him of such collector's roll leave at the usual residence or place of business of or transmit by mail to each person whose name appears on the said roll or to any agent of such person in the district a statement and demand of the taxes charged against him which statement shall state the time such taxes are required to be paid and the collector shall enter the date of delivery or mailing such notice in said collector's roll opposite the name of the person taxed and such entry shall be *prima facie* evidence of the due delivery of such statement and demand.

67. All rates, charges and taxes payable under the provisions of this Act shall be paid to the collector within fourteen days after such demand thereof by the said collector, and in case of refusal or neglect to pay the same within such time or in case the same shall not be paid before the return of the roll the collector or the secretary-treasurer may levy the same with the costs of distress and sale by distress and sale of the goods and chattels of the defaulter situated within the district or of any goods and chattels found upon the premises assessed.

68. Rates, charges and taxes may be recovered as a debt due to the board in which case the production of the collector's roll or a copy of so much thereof as relates to the rates, charges or taxes payable by any person, certified by the secretary-treasurer to be a true copy, shall be *prima facie* evidence of the debt.

69. The collector shall on or before the first day of December in each year or such later time as the board may direct return the collector's roll to the secretary-treasurer, with an account of all moneys received by him, accompanied by a solemn declaration made before an officer authorized to administer oaths, that the collection and other proceedings have been taken in accordance with the terms of this Act and that the returns contained therein are correct.

ARREARS OF TAXES. PROCEDURE AGAINST LAND.

70. The secretary-treasurer shall on or before the 15th day of January in each year make a return verified by his solemn declaration to the board in such form as may be prescribed by the board showing all lands within the district upon which taxes are overdue and unpaid together with the years for which such taxes are due.

(2) The return shall for all purposes be *prima facie* evidence of the vitality of the assessment and imposition of the taxes as shown therein and that all steps and formalities prescribed by this Act have been taken and observed.

71. On production of such return by the board or some solicitor authorized by the board to a judge of the Supreme Court in chambers such judge shall appoint a time and place for confirmation of the said return, notice of which shall be published in every issue of *The Alberta Gazette* for at least two months, and any further or other notice of the appointment shall be given as the judge may direct.

(2) A notice of the time and place fixed for the confirmation of such return shall be sent by mail at least sixty days prior to the time so fixed to each person who appears by the records of the land titles office for the land registration district in which the said lands are situate, or by the said return, to have any interest in the lands mentioned in the said return and whose post office address is shown by said records or return; and the entry against such lands of the date of mailing such notice together with the initials of the secretary-treasurer or other officer of the board shall without proof of the appointment or signature of such person be *prima facie* evidence that the required notice has been mailed.

(3) Any person interested in any land shown in such return may pay the taxes shown by such return to be overdue and any additional sum payable under the provisions hereof and recover the amount so paid from the person liable to pay the same as a debt due from such person.

72. At the time and place so appointed the judge shall hear the application and also any objecting parties and the evidence adduced before him and thereupon adjudge and determine whether or not the taxes imposed respectively upon each parcel of land included in the return were either wholly or in part in default and report the adjudication to the board and shall also confirm the return as to those parcels on which any taxes are determined to be in arrears for over one year naming the amounts severally and adding thereto a reasonable amount for the expense of advertising together with such sum as he may fix for costs of the application and the effect of such adjudication shall be to vest in the board the said lands subject however to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by payment to the board of the amounts named including expenses as aforesaid together with a redemption fee of five cents for each and every acre in the parcel so redeemed.

(2) For the purposes of this section all taxes shall be held to be due on the first day of January of the calendar year within which the same are imposed.

(3) A copy of such adjudication certified by the secretary-treasurer of the board shall be forwarded to the registrar of the land registration district in which the lands named in the adjudication or any of them are situate, and such copies shall be notice to all persons of the facts therein set forth.

(4) If any person interested in any parcel of land contained in the return presented to the judge for confirmation as provided by section 72 of this Act pays the taxes upon such land before the date fixed for confirmation of such return but after such date has been fixed he shall in addition to the amount of taxes shown by such return to be overdue pay the sum of five cents for each and every acre in such parcel to cover the costs of the proceedings.

73. At any time after the expiration of one year from the date of such adjudication on *ex parte* application by the board or its appointee and production of the last named adjudication together with such proof of nonredemption as the judge may require the judge by order in chambers may direct that the title to such of the land named in the adjudication as has not been redeemed by the owner be absolutely vested in the board freed from all liens, mortgages and encumbrances of whatever nature and kind the same may be, except the charge or lien created under the provisions of this Act.

74. The board may from time to time offer for sale any lands vested in the board as herein provided at such prices and upon such terms as may be fixed by the board.

75. The taxes accruing upon or in respect of any land in the district liable to taxation under the provisions hereof shall be a lien upon such land including the buildings and improvements thereon having preference over any claim, lien, privilege or encumbrance and of any party whomsoever.

WATER USERS' DISTRICTS.

76. A majority of the owners of the full age of twenty-one years resident within any tract of land, capable of being irrigated from works already constructed or authorized, or to which water is being supplied for irrigation purposes from such works, may petition the Minister to erect such tract into a water users' district under the provisions of this Act, and such petition shall define the area and boundaries of the proposed district; and shall be accompanied by the written consent of the company (as defined in *The Irrigation Act*) to whom the authorization or license has been granted, certifying that the area and boundaries of the proposed district are approved by such person and that the said works can be utilized for supplying water for irrigation purposes to the said tract.

(2) Accompanying such petition shall also be a statutory declaration made by two responsible owners resident within the tract who have signed the petition that they verily believe that the said works can be utilized for the irrigation of the said

tract; that the signatures to the petition have been affixed in their presence and that the signers are a majority of the owners of the full age of twenty-one years, resident within the tract which it is desired to have created a water users' district.

77. All the provisions of this Act with respect to the erection of irrigation districts, the election, powers, rights and duties of trustees, the preparation and revision of assessment rolls, the passage of by-laws for the raising of loans, the issue of debentures, the levying and collecting of rates, the procedure in respect of arrears of taxes, alterations of boundaries and the enforcement of executions against districts and the forms in the schedule to this Act shall *mutatis mutandis* be applicable to any proposed water users' district in respect of which a petition is presented to the Minister as provided for in the preceding paragraph hereof, and to any such water users' district when erected.

GENERAL PROVISIONS.

78. In addition to the powers hereinbefore mentioned the board shall subject to the provisions of *The Irrigation Act* have and possess and may exercise all the powers which may be necessary in order to enable them to construct and maintain the said works and may by by-law provide for the construction or maintenance thereof or both in such manner as it may see fit and may also make and enforce such regulations as it may see fit respecting the supply of water to any person and for the disposal or supply of any surplus water which is not required for the purposes of the district and for the cutting off or stopping the supply of any water to any person in arrears in respect thereof and to any persons from whom rates or taxes are due to such district.

79. The board may pass by-laws from time to time authorizing the chairman and treasurer thereof to borrow from any person, bank or corporation such sum or sums of money as may from time to time be required to pay any instalment of principal or interest or both falling due upon any such debentures or to provide for any other expenditure until such time as the taxes levied or to be levied therefor can be collected.

80. In case of any vacancy in the board by death, resignation or otherwise the remaining members of the board shall appoint some owner residing within the district to the vacant position. In case there are no members of the board remaining the Minister shall appoint three such persons to constitute the board.

81. In case the board shall at any time fail to appoint the necessary officers to carry out the provisions of this Act or in case any officer appointed by the board shall fail to perform the duties prescribed by this Act the Minister shall appoint the necessary officer or officers for the purpose of carrying out the provisions hereof and any such officer so appointed shall have and possess all the powers and shall perform all the duties of his office in the same manner as if he had been appointed by the board.

ALTERATION OF BOUNDARIES.

82. The Minister shall have power to alter and amend the boundaries and area of any district erected as herein provided by adding thereto or taking therefrom but no area shall be added to a district unless the majority of the owners in such area signify their consent to such addition nor shall any portion of a district be cut off unless the board by resolution agrees to such reduction in the area of the district.

(2) In case of any district having any debenture debt outstanding no alteration shall be made in the same or in the boundaries thereof which will prejudicially affect the rights or security of the holders of any such debentures.

(3) The order of the Minister amending the boundaries or area of any district erected under the provisions hereof shall be published in *The Alberta Gazette* and a copy thereof filed by the board.

EXECUTIONS AGAINST DISTRICTS.

83. Any writ of execution against a district may be endorsed with a direction to the sheriff to levy the amount thereof by rate and the proceedings thereon shall be as follows:

1. The sheriff shall deliver a copy of the writ and endorsement to the secretary-treasurer of the board with a statement in writing of the amount required to satisfy such execution including the amount of interest thereon and sheriff's fees and demand the payment of the same;

2. In case the amount demanded is not paid to the sheriff within thirty days after such delivery the sheriff shall examine the assessment roll of the district and shall in like manner as rates are struck for general district purposes strike a rate in the dollar sufficient to cover the amount claimed as aforesaid with such addition to the same as the sheriff deems sufficient to cover interest, his own fees and the collector's percentage up to the time when such rate will probably be available;

3. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the secretary-treasurer of the board and shall annex thereto the roll of such rate and shall by such precept after reciting the writ and that the corporation had neglected to satisfy the same and referring to the roll annexed to the precept command the secretary-treasurer of the board to levy such rate at the time and in the manner by law required in respect to the general annual rates;

4. In case at any time for levying the annual rates next after the receipt of such precept the secretary-treasurer of the board has a general rate roll delivered to him for such year he shall add a column thereto headed: "Execution rate in A.B. versus The Irrigation District." as the case may be, adding a similar column if there are more executions than one and shall insert therein the amount by such precept required to be levied upon each owner respectively and shall levy the amount of such execution rate aforesaid and shall within the time that he is required to make the return of the general annual rate return to the sheriff the precept with the amount levied thereon deducting his percentage;

5. The sheriff shall after satisfying the execution and all fees thereon return any surplus within ten days after receiving the same to the secretary-treasurer of the board for the general purposes of the district;

6. In case the secretary-treasurer of the board of any district against which an execution has issued is not paid by percentage fixed by by-law of the district he shall be paid for such collection a sum not exceeding two and one-half per centum of the amount collected.

84. The secretary-treasurer or collector of the district shall for the purpose of carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect to such execution be deemed to be officers of the court from which such writ was issued and as such may be proceeded against by attachment, *mandamus* or otherwise to compel them to perform the duties hereby imposed on them.

85. In case there is no secretary-treasurer or collector and the trustees refuse or neglect to appoint such officers or in case such officers are absent from the district or for any reason the sheriff is unable to proceed as herein provided he may (upon application to a judge of the Supreme Court) be invested with full power and authority to assess, levy, collect and enforce payment of such sum or sums of money as may be required to pay and satisfy the execution or executions and all fees and legal expenses including such allowances for the costs, levy, collection and enforcement of payment as the judge may allow, in the same manner as assessors, collectors or secretary-treasurers are authorized to do by this Act: Provided that in case any person desires to appeal from any assessment or omission of assessment by the sheriff appeal may be had to a judge of the Supreme Court.

86. In all proceedings for levying, collecting and enforcing payment of any sum or sums of money under any execution against a district, resort shall first be had to the irrigable lands within the district and for the purposes of this section "irrigable lands" shall be deemed to mean any and every quarter section of 160 acres and any and every parcel of less than 160 acres, of land within the district, any portion of which is irrigable; should the irrigable lands within the district be found insufficient to satisfy any such execution, resort shall be had to all other lands within the district; provided that a judge of the Supreme Court may, at any time, if it be made to appear to his satisfaction that it is necessary for the due protection of any execution creditor, order that such proceedings may be taken in respect of all lands within the district, irrigable and nonirrigable alike.

87. The Minister may from time to time make such regulations and prescribe such forms in lieu of or in addition to the forms in the schedule to this Act as may be deemed necessary for the proper carrying into effect of the provisions of this Act.

88. *The Irrigation District Ordinance No. 30 of 1898, with all amendments thereto, is hereby repealed.*

SCHEDULE.

FORM A.

Notice is hereby given that under the provisions of *The Irrigation District Act* the undersigned has been appointed by the Minister of Public Works for the purpose of taking a vote on the question of the erection of the Irrigation District and, if such vote is in favour of the erection of such district, to hold an election of three duly qualified persons to compose the board of trustees of the said irrigation district which comprises the following area: (*Here set out area.*)

The persons entitled to vote are such persons as are of the full age of twenty-one years who are lawfully in possession of or entitled to be in possession of land situate within the district.

Now therefore the electors so qualified to vote are hereby notified to attend at (*describing the place of voting*) on the day of 1....., at the hour of ten o'clock in the forenoon at which hour and place I will proceed to take a vote on the said question and if the vote thereon is favourable to the erection of the district I will at one o'clock in the afternoon of the said date receive nominations for persons to serve as such trustees and if at the hour of two o'clock in the afternoon on said day more than three persons have been nominated I will forthwith proceed to hold a poll and receive the votes of persons qualified to vote which poll will continue open until and close at the hour of five o'clock in the afternoon of said day at which time I will declare the result of the poll.

Dated this day of 1.....

.....
Returning Officer.

FORM B.

..... Irrigation District.
The undersigned severally declare each for himself that he is an owner of land, as defined in *The Irrigation District Act*, in the above mentioned district; that he is of the full age of twenty-one years and that the votes upon the land set opposite his name and for or against the erection of the said district as indicated by the cross set opposite his name.

Name	Land voted upon	For the erection of the district	Against the erection of the district

.....
Returning Officer.

FORM C.

..... Irrigation District.
I, A.B., Returning Officer for the Irrigation District, hereby solemnly declare that the record of votes annexed signed by me is a true record of the votes cast upon the day of 1....., for and against the erection of the district and (if the vote was in favour of the erection of the district) for the election of three trustees for the district, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.
Declared before me at
this day of
..... 1.....

.....
Returning Officer.

.....
A Commissioner or J.P.

FORM D.

.....Irrigation District.

BALLOT PAPER.

Vote on by-law to raise \$......for the construction of
the works required for irrigation of the district.

For the By-law	
Against the By-law	

1915

CHAPTER 14.

An Act respecting Seed Grain, Fodder, and other Relief.

(Assented to April 17, 1915.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. A memorandum of agreement dated the thirteenth day of February, 1915, made between the Honourable William James Roche, Minister of the Interior, on behalf of the Dominion of Canada, and the Honourable Arthur L. Sifton, on behalf of the Government of Alberta (which memorandum of agreement is set out in the schedule to this Act) is hereby approved, ratified and confirmed, and the Lieutenant Governor in Council is hereby declared to have had power, and shall have power by order in council to do all acts deemed necessary or expedient to be done to carry out and perform on the part of the Government of Alberta the terms of the said agreement.

2. Any and all orders in council heretofore made for the purposes aforesaid are hereby approved, ratified and confirmed.

3. The moneys agreed to be paid by any person for seed grain, fodder for animals or other goods by way of relief in consideration of the advance to him by His Majesty the King in the right of the Dominion of Canada (hereinafter called His Majesty) of such seed grain, fodder for animals or other goods by way of relief, together with interest thereon at the rate of five per centum per annum until paid, shall be a debt due by such person to His Majesty and shall be a charge upon any real property of such person and upon any crop of any kind now being or hereafter grown on any land by such person having priority over all other liens, taxes, charges or other encumbrances, whenever created, upon such crop, and so far as such moneys are agreed to be paid in consideration of the advance of seed grain and fodder for animals, having priority over all other liens, taxes, charges and other encumbrances, whenever created, upon such real property; such charge shall be in addition to any other remedy which His Majesty may have to enforce payment of the said amount and shall be capable of enforcement by seizure and sale of the said real property or crop when growing or when cut, under warrant signed by the Minister of the Interior of Canada (hereinafter called the Minister) or by anyone authorized by him to sign such warrant wherever and whenever any of the said property may be found, and in respect thereof His Majesty shall have and be entitled to all the remedies of a mortgagee in the same manner as if the said amount were secured by a registered charge against the said land or by a chattel mortgage duly filed against the said crop and having the priorities herein set out.

4. The Minister may send to the registrar of land titles for each land registration district, a statement showing in alphabetic order the name of each person to whom an advance of seed grain, fodder for animals or other goods by way of relief has been made as aforesaid and showing the land for the cultivation of which such advance has been made, the amounts agreed to be paid by such persons for:

(a) Seed grain and fodder for animals;

(b) Other goods by way of relief;

and the date or dates from which interest is payable, and the registrar shall, except as provided in subsection 6 hereof, upon receipt of such statement enter in the register against such land, and endorse upon any duplicate certificate of title thereafter issued therefor, a memorandum as follows:

"This land is subject to a lien in favour of His Majesty in the right of the Dominion of Canada for the sum of dollars for seed grain and fodder for animals and interest thereon at five per centum per annum from the day of 191...., and for the sum of dollars for other goods by way of relief and interest thereon from the day of 191...."

(2) In respect of any other land in his land registration district the registrar shall treat each item in the statement as if it were a writ of execution against the land of such person for the amount shown thereby to be owing by such person, and may use the form herein provided in making the memorandum required to be made by section 77 of *The Land Titles Act*.

(3) Instead of entering a memorandum in the execution docket the registrar may use a separate docket to be known as the "seed grain docket."

(4) The Minister shall also cause the said statement to be published in the official gazette.

(5) In case it shall be made to appear to the Minister that any land against which such memorandum is entered, was not owned by the person agreeing to pay for such advances of seed grain, fodder for animals or other goods by way of relief when such seed grain, fodder for animals or other goods by way of relief, or any part thereof, was advanced, and was not interested therein under an agreement or contract for purchase thereof, and that the owner of such land or the person interested therein under an agreement or contract for purchase thereof did not join in such agreement to pay nor consent in writing to the same being given or to such advances, or only consented to part thereof, the Minister may require the registrar to cancel the said memorandum, or to reduce the charge stated therein to such amount as appears to the Minister to have been so consented to, and when so cancelled such land shall be discharged from the lien represented thereby, or if the amount is directed to be reduced as aforesaid the memorandum shall have the same effect as if the amount as so reduced had been the original amount entered in such memorandum.

(6) The Minister may also send to each registrar as aforesaid a statement showing in alphabetic order the name of each person (if any) who has so agreed to pay for seed grain, fodder for animals or other goods by way of relief, and who appears to be a tenant

of the land for the cultivation of which such seed grain, fodder for animals or other goods by way of relief were furnished and whose landlord has not joined in or consented in writing to such agreements or advances, and shall also furnish such registrar with the other particulars mentioned in subsection 1 of this section, and as to such tenants no memorandum shall be entered or endorsed as aforesaid as against such land unless the same is otherwise subject to a lien under this Act.

5. The Minister may by letter direct any registrar of land titles to enter a memorandum upon the certificate or certificates of title in the register to any land mentioned in such letter to the effect that the person mentioned in such letter has paid the amount charged against such land for advances of (a) seed grain and fodder for animals, or (b) other goods by way of relief, or both; and the registrar shall on receipt of such letter make such memorandum accordingly, and thereupon such land shall be discharged to the extent of the amount so paid, as appearing by such memorandum.

6. The Minister may, by letter, direct any registrar of land titles to enter a memorandum in the execution docket or in the seed grain docket as the case may be, to the effect that all the lands and crops of the person mentioned in such letter are released from all liens under this Act, and upon receipt of such letter the registrar shall make such memorandum accordingly, and thereafter such land and crops shall be absolutely released and discharged from all liens and claims under this Act.

7. All rights, securities and priorities of every kind given to or provided for His Majesty under this Act, shall be in addition to and independent of any other rights or securities taken by His Majesty from any person to whom advances of seed grain, fodder for animals or other goods by way of relief have been made as aforesaid, or from any other person on behalf of such person, and any such rights or securities so taken are hereby declared to be legal and binding, and such rights, securities and priorities shall also be in addition to and independent of all other rights and privileges of His Majesty. Such rights, securities and priorities of His Majesty shall in no way be prejudiced by *The Creditors' Relief Act* or by any other Act or law.

8. Notwithstanding anything contained in *The Bills of Sale Ordinance* or in any other Act or law, every document purporting to be a chattel mortgage heretofore or hereafter given or made to or in favour of His Majesty, or of any person representing His Majesty, to secure an advance of seed grain, fodder for animals or other goods by way of relief shall be capable of registration free of charge under *The Bills of Sale Ordinance*, and shall be valid and effective according to the true intent and meaning thereof; and no irregularity, informality, or insufficiency therein or in any affidavit made in connection therewith, nor the failure to make any such affidavit, nor the failure to file and register the said document, or to file or register the same within the time limited by law for that purpose shall render the same invalid; but every document shall bind the crop therein mentioned as fully and effectually to all intents and purposes as if all the provisions

of *The Bills of Sale Ordinance* and of any other Act or law had been strictly complied with and shall have priority over any other mortgage or lien whenever given upon the security of the same crop or any writ of execution against the mortgagor.

9. Any secretary-treasurer of a local improvement district or of any municipality, any Dominion land agent, sub-land agent, homestead inspector, immigration agent or member of the Royal North-West Mounted Police, or any other officer named by the Minister, is hereby declared to have had power and shall have power to administer oaths and take and receive affidavits, declarations and affirmations within this province appearing upon any paper or document taken by His Majesty in respect of, or as security for advances of seed grain, fodder for animals, or other goods by way of relief, and any order in council heretofore made so empowering such persons or any of them is hereby approved, ratified and confirmed.

10. All registrations, annotations, memoranda, entries or other work performed by any registrar of land titles, or by any other officer or employee of the Government of Alberta as provided for in this Act shall be done without fee or charge of any kind, and all publications in the official gazette provided for in this Act shall also be without fee or charge.

11. Any person to whom seed grain, fodder or other goods by way of relief have been advanced as in this Act provided, and who sells or disposes of same or any part thereof, or who neglects or fails to sow in a husband-like manner such seed grain or any part thereof without the consent of the Minister or of such person as may be appointed by the Minister for such purpose, shall be guilty of an offence, and shall be liable, upon conviction, to a fine not exceeding \$500.00 and to imprisonment for any term not exceeding two years or to both.

12. Any lien or charge in favour of His Majesty, for seed grain, fodder for animals or other goods by way of relief, advanced under this Act, or heretofore at any time advanced, a memorandum of which has appeared or shall hereafter appear, upon any letters patent issued by His Majesty, for land in this province shall as respects said land have priority over all other liens, taxes, charges or other encumbrances whenever created or to be created.

13. Prosecutions under the preceding sections may be had before any justice of the peace or police magistrate having jurisdiction in the place where the offence was committed or where the accused person resides, and the proceedings shall be summary.

SCHEDULE.

MEMORANDUM of Agreement between the Honourable W. J. Roche, Minister of the Department of Interior, on behalf of the Government of the Dominion of Canada, and the Honourable Arthur L. Sifton, on behalf of the Government of the Province of Alberta, entered into this Thirtieth day of February, 1915.

Whereas the Government of the Dominion of Canada and the Government of the Province of Alberta recognize that a serious situation exists in a portion

of the said province owing to severe drought which prevailed during the past summer and that the crops in those districts were almost a total failure and that the settlers are in many cases destitute;

And whereas it is generally recognized that to insure the future of the said province, it will be necessary to seed down every available acre of land and endeavour to keep up the production of grain;

And whereas the Government of the Dominion of Canada has undertaken a distribution of relief to the settlers affected as aforesaid;

Therefore it is agreed by the said Minister of the Interior and by the said Honourable Arthur L. Sifton for the Province of Alberta, as follows:

First, That the Dominion Government will undertake the distribution of seed grain and relief other than seed grain to homesteaders on patented and unpatented lands alike and in accordance with their necessities, and within the area described as the drought stricken area. Also outside of the drought stricken area, if found advisable to do so.

Second, That the Provincial Government agrees to afford the Government of Canada the same measure of protection and the same facilities in reference to the collection of advances of seed grain and fodder for animals made to homesteaders on lands now or hereafter patented as is afforded to the Government of Alberta by the *Act respecting Seed Grain*, being chapter 21 of the Statutes of 1908 of the Province of Alberta, as amended; and that the Government of the Province of Alberta shall at the next ensuing session of the Legislature procure the enactment of such legislation as will afford to His Majesty in the right of Canada the same security in respect of seed grain advances and other relief herein mentioned as is provided for His Majesty in the right of the province under the said Act.

Third, That the Province of Alberta hereby agrees to bear the expense of the central distribution office at Winnipeg and of the officers connected therewith in distributing such seed grain and other relief in respect of patented lands.

Fourth, That the Provincial Government will undertake to protect and legalize the liens for seed grain or relief other than seed grain which have already been taken or which will be taken hereafter by the Dominion Government against homesteaders on patented lands within the said Province of Alberta.

Fifth, That in the cases where liens for seed grain or relief other than seed grain have been consented to by homesteaders on unpatented lands, and where such homesteaders subsequently obtain their patents, the Provincial Government will undertake to protect and legalize the collection, by the Dominion Government through their authorized agents, of the amounts of such liens against such lands in the same manner as if the liens had primarily been filed against homesteaders on patented lands, such liens to have priority over all other liens, charges or encumbrances until fully paid.

Sixth, That the Provincial Government will undertake to register, free of charge, with the registrar of land titles for each land registration district, the mortgages given by homesteaders on patented lands within the Province of Alberta, as well as the liens given by homesteaders on unpatented lands, who may subsequently obtain their patents, and against whom such liens should be recorded on account of not having been paid prior to the securing of such patents, the said liens to have priority over all other liens, charges or encumbrances whatsoever until fully paid.

Seventh, That the Minister of the Interior and the Honourable Arthur L. Sifton, of the Province of Alberta, will undertake to have an order in council passed as soon as possible by their respective Government to ratify the agreement herewith; and

Eighth, That the Minister of the Interior and the Honourable Arthur L. Sifton, of the Province of Alberta, will undertake to have their respective Government pass, at their next session of Parliament, the necessary legislation approving, ratifying and confirming the order in council and agreement made for the purposes aforesaid.

In witness whereof the parties hereto have hereunto set their hands the day and year first hereinbefore written.

Signed in the presence of:
(Sgd.) P. MARCHAND.

(Sgd.) W. J. ROCHE,
Minister of the Interior, on behalf
of the Dominion Government.

As to the signature of Arthur L.
Sifton:
(Sgd.) ETHEL CLEMENTS.

(Sgd.) ARTHUR L. SIFTON,
For the Province of Alberta.

1915

CHAPTER 15.

An Act to amend The Town Act.

(Consolidated in Chapter 2, 1911-12.)

1915

CHAPTER 16.

An Act to amend The Rural Municipality Act.

(Consolidated in Chapter 3, 1911-12.)

1915

CHAPTER 17.

An Act to amend the Village Act.

(Consolidated in Chapter 5, 1913 (1).)

1915

CHAPTER 18.

An Act respecting Municipal Co-operative Hail Insurance.

(Assented to April 17, 1915.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

SHORT TITLE.

1. This Act may be cited as "*The Municipal Co-operative Hail Insurance Act*."

INTERPRETATION.

2. In this Act unless the context otherwise requires—

(a) "Minister," "municipality," "council," "reeve," "councillor," "resident elector," "elector," "owner," "occupant," "person" and "land" shall have the same meaning and interpretation as that contained in *The Rural Municipality Act* and amendments thereto;

(b) "Hail insurance district" shall mean and include any hail insurance district formed under the provisions of this Act and amendments thereto;

(c) "Crop" means and includes any grain, cereal, cultivated grass or clover grown for hay growing on any land;

(d) "Hail Insurance Board of Alberta," "Hail insurance board" and "board" shall mean and include the hail insurance board appointed under this Act and amendments thereto;

(e) "Commissioner" shall mean and include any commissioner appointed under and for the purposes of this Act;

(f) "Inspector" means the inspector appointed under this Act and amendments thereto;

(g) "*The Rural Municipality Act*" shall mean chapter 3 of the Statutes of 1911-12 and shall include all amendments thereto.

3. Where forms are prescribed any deviation therefrom not affecting the substance nor calculated to mislead shall not vitiate the same and forms to the like effect shall suffice.

4. If anything to be done by or under this Act at or within a fixed time cannot be or is not so done the Minister may by order from time to time appoint a further or other time for doing the same whether the time within which the same ought to have been done has or has not expired, and anything done within the time prescribed by such order shall be as valid as if it had been done within the time fixed by or under this Act.

ORGANIZATION.

5. The council of any municipality may pass a by-law, in form prescribed by the Minister, providing for the union of such municipality with at least nineteen other municipalities in a hail insurance district, for the purpose of indemnifying all persons having an interest in any crop within the limits of any such municipality, against damage to or destruction of such crop by hail; such by-law before coming into force shall be submitted to the resident electors of each municipality and receive the approval of a majority of the number of such resident electors voting thereon, according to the procedure prescribed by *The Rural Municipality Act* for voting on debenture by-laws.

(2) If the required majority of such resident electors of at least twenty municipalities, so proposing to unite, approve of such by-law, the Minister may, by order, establish such municipalities as a hail insurance district:

Provided, however, that after the organization of said hail insurance district any municipality other than those above mentioned may be admitted to all the benefits and rights but subject to all the provisions of this Act upon such terms as by regulation or order the hail insurance board may direct.

HAIL INSURANCE BOARD.

6. The hail insurance district shall be under the direction of a board to be known as "The Hail Insurance Board of Alberta," which board shall consist of three commissioners and shall have power, subject to the provisions of this Act, to adjust, settle and pay all claims of any person having an interest in any crop in the district for indemnity for damage to or destruction of such crop by hail.

(2) One member of such board, who shall be the chairman thereof, shall be appointed by and shall hold office during the pleasure of the Minister.

(3) The two other commissioners shall be appointed by the reeves of the several municipalities composing the hail insurance district, at a meeting thereof to be held at such place and time as is fixed by the Minister; notice of such meeting being sent in writing to the several municipalities. These two commissioners shall hold office for the term of one and two years respectively; the commissioner receiving the highest number of votes being appointed for the longer term.

(4) The successor of each of such two commissioners shall be chosen at a meeting of the reeves of all the municipalities within the hail insurance district to be held annually at such time and place as the board may direct, and the term of each such commissioner shall be two years; provided that the council of any such municipality may appoint to attend at any such meeting on its behalf such other member or officer of the council in lieu of the reeve as by resolution it may determine.

(5) The reeves or other members or officers of the council appointed to attend meetings of the reeves of all the municipalities within the hail insurance district shall be paid by the hail insurance board for the time necessarily occupied in attending such

meeting at the rate of \$4.00 per diem, together with the actual cost of transportation incurred and paid by them.

(6) The Minister may, in the event of the death or resignation of any commissioner, or of his office becoming or being declared vacant, appoint some person to fill such vacancy until same is filled by election or otherwise as herein provided.

(7) The board so appointed, and as from time to time constituted, shall be a corporate body, and shall have power under its corporate name of "The Hail Insurance Board of Alberta" to do all acts and things, to execute all deeds or instruments and to prosecute and maintain all actions and suits at law which in its judgment may be considered necessary to carry out and give effect to this Act.

(8) The board may by resolution authorize its chairman and treasurer to borrow from any person, bank or corporation, such sum or sums of money as the board deem necessary to meet any claims for any year against the hail insurance district for indemnity under this Act, and such loan shall be a debt owing by the hail insurance district, repayable in accordance with the terms of the resolution authorizing the same, and shall also be a first charge upon the taxes levied by any municipality in the hail insurance district for hail insurance purposes, and not paid by such municipality to the board; provided that such loans may be further secured by promissory note or notes of the chairman and treasurer given on behalf of the board, and such board may by the resolution authorizing such loans regulate the amounts of the same and define the note or notes to be given as security therefor; and further provided that any money received by the board from such unpaid taxes upon which such loans are made a charge, shall be, up to an amount equal to the principal and accruing interest of such loans, kept by the board in a separate account, and deposited in a chartered bank in a trust fund to be styled "Hail Insurance Trust Fund," and shall only be paid thereout in repayment of such loans.

(9) The board shall have power to invest any reserve funds or surplus that may be from time to time accumulated in such securities or ways as may be approved by the Minister.

DUTIES OF HAIL INSURANCE BOARD.

7. The hail insurance board shall appoint a secretary-treasurer and an inspector or inspectors, and, subject to the approval of the Minister, may define the duties and fix the remuneration of such officials and such other officials as may from time to time be required.

(2) The duty of the board shall be to superintend the operation of this Act; to receive, adjudicate upon and determine all claims for indemnity hereunder; to receive and distribute all moneys collected and remitted to it for the purposes hereof; to make regulations for the carrying out of the purposes of this Act, and generally to fulfil and to see to the fulfilment by all persons charged therewith of all duties imposed under this Act.

8. The commissioners shall be paid for their services and expenses a per diem allowance of seven dollars, together with

the actual cost of transportation incurred and paid by them for attendance at all meetings of the board.

9. On or before the fifteenth day of November in each year the hail insurance board shall appoint an auditor or auditors who on or before the first day of February in each year shall make a full and complete audit of the books, records and accounts of the board for the year ending on the thirty-first day of January, and shall for the purposes of such audit have free access to the books, records, accounts, vouchers, and receipts of the board, and the board shall on the completion of such audit prepare and publish a complete report of the operations of the board for the preceding year, and a copy of such report shall be furnished to the Minister and to the reeve and secretary-treasurer of each municipality within the hail insurance district. If the board shall neglect to make such appointment, the Minister may appoint an auditor or auditors to make such audit who shall have the like right of access to the books, records, accounts, vouchers and receipts of the board.

CLAIMS FOR INDEMNITY.

10. When any growing crop within the hail insurance district is damaged or destroyed by hail between the sixteenth day of June and the fifteenth day of September, both inclusive, in any year, any person having an interest in such crop and wishing indemnity therefor, shall within three days from the date on which such damage or destruction shall have been sustained give notice to the secretary of the hail insurance board by registered letter addressed to him at Edmonton in the province and such notice shall be in the form to be prescribed by the hail insurance board and shall show the location of the crop, the kind of crop, the number of acres damaged, the percentage of damage done, the nature and amount of the claimant's interest in the crop, the name and address of any other person or persons having an interest in the said crop and the nature and amount of their interest and shall be verified by statutory declaration.

(2) Such notice shall also show the section, township and range in which the claimant resides and his post office address and in case such claimant does not reside within two miles of the crop in respect of which the claim is being made, such notice shall contain the name, section, township and range of some person residing within two miles of such crop who shall be recognized by the inspector as the representative of such claimant for the purposes of inspection.

(3) It shall be the duty of every inspector to make every effort to personally see the claimant or in the absence of such claimant his resident representative, and upon the completion of his inspection to deliver in person to the claimant or his resident representative a complete copy of his report on such inspection.

(4) The maximum indemnity paid for total loss shall be six dollars per acre.

11. Any claimant or his resident representative who is not satisfied with the inspector's report may give notice in writing of his appeal therefrom, and shall within five days from the

delivery of such report to him by the inspector either mail such notice of appeal by registered letter addressed to the secretary of the hail insurance board at Edmonton in the province, or shall within the like period deliver such notice to such secretary in person; the hail insurance board shall hear and consider the allegations of all persons so appealing as soon as conveniently may be, and confirm or vary the report of the inspector as it may deem proper. The decision of the hail insurance board as to the amount of the loss so sustained by any person shall be final and conclusive, and shall not be questioned by any court on any grounds whatsoever.

DISPOSITION OF MONEYS.

12. In any year if it is found by the board that the total taxes levied for hail insurance purposes, together with any surplus that may be on hand, will not be sufficient to pay all the costs of administration and the losses in full, the board shall on or before the fifteenth day of November, after deducting from the total amount of moneys available from the taxes levied and the surplus, if any, an amount sufficient to pay the cost of administration to the end of the then current fiscal year, apportion the balance of the money among the claimants *pro rata*.

(2) From the amount awarded to any person for damage to his crop by hail there shall be deducted by the board the amount owing by the claimant by way of hail insurance tax to the municipality from which the claim arises, and the amount of such tax so deducted shall be paid to the secretary-treasurer of such municipality to be credited by him upon the hail insurance tax owing by such claimant.

(3) If any such claim for indemnity is not paid within thirty days from the fifteenth day of November in the year in which such indemnity is awarded the municipalities composing the hail insurance district shall be severally liable for an amount not exceeding the hail insurance tax due and unpaid by such municipality to the hail insurance board, and the said amount may be recovered with costs by the person entitled to the payment of the claim for indemnity by action in any court of competent jurisdiction.

HAIL INSURANCE TAX.

13. As soon as may be in any year, the hail insurance board shall prepare an estimate of the amount required during the then current year to pay all lawful expenses of the board and also all probable claims for indemnity for damage to or destruction of crops by hail, and also the amount, if any, required to pay all such claims outstanding and shall strike a rate per acre sufficient for the payment of such amounts to be levied equally upon all lands assessable for hail insurance purposes within the hail insurance district, and shall determine the total amount, based upon such rate, and the area of assessable land therein, which each municipality shall contribute for the purposes of the hail insurance district shall on or before the fifteenth day of February in each year forward a statement of such rate and the amount chargeable against each municipality to the Minister, and upon

the same being approved by him shall notify the treasurer of the various municipalities composing the district of such rate and amount.

(2) Every municipality within the hail insurance district shall within thirty days of the receipt from the secretary of the hail insurance board of the notification of such rate and amount pay to the hail insurance board a sum equal to five per centum of the total amount required to be paid by that municipality for hail insurance purposes and shall pay the balance of the amount on or before the fifteenth day of November of the year in which the same is levied:

Provided that with the written consent of the hail insurance board previously obtained the secretary-treasurer of any municipality may withhold from such remittance the total amount of the hail insurance tax levied upon lands title to which is in doubt or in respect to which the right of the municipality to tax is in dispute.

(3) The secretary-treasurer of each municipality shall cause the said rate to be levied equally against all assessable lands in the municipality except lands that are subdivided into blocks and lots according to a plan registered at the land titles office for the land registration district within which such lands are situated and lands held under lease or permit from the Dominion government for the purpose of pasture or for hay, and such taxes shall become payable in accordance with the provisions of this Act as hereinafter provided and may be collected by any means provided for the collection of other municipal taxes.

(4) In the event of any such hail insurance tax remaining unpaid after the thirty-first day of October of the year in which the same is levied there shall be added thereto by way of penalty the sum of one dollar for each quarter section in respect to which such tax remains unpaid and in the event of such tax remaining unpaid after the thirty-first day of December of the year for which the same is levied it shall be subject to the same penalties as are provided for in the case of other municipal taxes.

(5) The secretary-treasurer of each municipality in the hail insurance district shall mail to every person assessed for hail insurance purposes a notice in the following form:

“HAIL INSURANCE TAX NOTICE.

“Take notice that if your hail insurance tax is not paid before the first day of November next, a penalty of one dollar per quarter section will be added to the tax, and in the event of any of such tax remaining unpaid after the thirty-first day of December of the year in which the same is levied, it shall be subject to the same penalties as are provided for in the case of other municipal taxes.

Secretary-Treasurer of the Rural Municipality
of.....No.....

“To.....

“Dated the.....day of.....
A.D. 19.....”

(6) The amount chargeable against any municipality by the hail insurance board under this Act shall be a debt due by such municipality to the hail insurance board and may be recovered by it by action in any court of competent jurisdiction in Alberta.

(7) The secretary-treasurer of each municipality within the hail insurance district shall on or before the first day of February in each year furnish the secretary of the hail insurance board with a statement setting forth the total acreage of land assessable for hail insurance purposes within the bounds of the municipality.

(8) Upon all sums remaining due and unpaid to the hail insurance board by any municipality on the sixteenth day of November in each year, such municipality shall pay interest at the rate of eight per cent. per annum until fully paid.

(9) Any secretary-treasurer or other officer or person who fails to perform any duty or send any notification or return required of him by this Act or who makes a return that is wilfully false or misleading in any particular or who performs any act forbidden by this Act shall be deemed guilty of an offence and upon summary conviction shall be liable to a fine of not less than ten nor more than fifty dollars, and the provisions of part XV of chapter 146 of the Revised Statutes of Canada, 1906 (known as *The Criminal Code*) shall be applicable to all proceedings for the enforcement of any penalty under this Act.

14. Any person who may be liable to assessment under this Act, and who may be a resident and the owner or occupant of land within a municipality within the hail insurance district, may on or before the first day of May in any year by written notice to the secretary-treasurer of such municipality, withdraw from the operation of this Act any quarter section, as the same may in such notice be described by him, of land in respect of which he is liable to assessment hereunder upon satisfying the council and the hail insurance board as hereinafter provided that the same is an unpatented quarter section held by him under homestead entry from the Dominion of Canada upon which there are less than twenty-one acres under cultivation; and such land so described shall be exempt from such tax for the then current year.

(2) The council of each municipality within the hail insurance district shall during the month of May consider each such notice of withdrawal within their municipality and if satisfied that the land proposed to be withdrawn may properly be withdrawn under the next preceding subsection, shall authorize the withdrawal of same; forthwith after such action of the council and before the first day of June the secretary-treasurer shall prepare and forward to the hail insurance board a detailed statement of all the lands the withdrawal of which has been authorized by the council:

Provided, however, that all withdrawals shall be subject to review by the hail insurance board and if it decides that any withdrawal has been improperly made it may order that the withdrawal be cancelled and that the hail insurance tax be levied against such land and upon receipt by the secretary-treasurer of a notice from the hail insurance board to that effect the secretary-treasurer shall cancel the said withdrawal.

DISORGANIZATION.

15. At any time after the expiration of five years after the formation of the hail insurance district any municipality may, by by-law approved by a majority of the resident electors in the manner prescribed in *The Rural Municipality Act* for voting on debenture by-laws withdraw from such insurance district upon such terms as the Minister may deem just and upon such withdrawal the Minister shall have power to settle and adjust the assets and liabilities of such district among the municipalities composing the same and if less than twenty municipalities remain in such district to wind up the affairs of such district, and his decision shall be final in regard to all matters connected therewith.

BORROWING POWERS.

16. The council of any municipality may by resolution authorize the reeve and treasurer to borrow from any person, bank or corporation such sums of money as may be required to enable it to pay in full the hail insurance board the amount of the special rate herein provided for during the then current year, and the making of such loan by any municipality for such purpose shall not limit or impair its borrowing powers under any Act or law fixing or limiting the same. Such loan may be secured by promissory note or notes of the reeve or treasurer given under the seal of the municipality and on behalf of the council:

Provided, however, that no money shall be borrowed under the provisions of this section unless the municipality has been required to do so by resolution of the hail insurance board.

(2) In every year all taxes collected by any municipality for hail insurance purposes and all moneys borrowed under this section shall be kept by the council of such municipality in a separate account and deposited in a chartered bank in a trust fund to be styled "Hail Tax Trust Fund" and shall only be paid thereout to the hail insurance board.

(3) Moneys due as indemnity for hail losses shall be exempt from garnishment or attachment and shall be incapable of being assigned.

1915

CHAPTER 19.

An Act to amend Chapter 29, Statutes of Alberta, 1914.

(Consolidated in Chapter 29, 1914.)

1915

CHAPTER 20.

An Act respecting the Guarantee of Certain Securities of the Canadian Northern Western Railway Company.

(See also 1911-12, caps. 19, 29; 1913 (1), c. 40; 1913 (2), c. 9; 1914, c. 2.)

(Assented to April 17, 1915.)

WHEREAS by chapter 19 of the Statutes of Alberta, passed in the years 1911-12, entitled *An Act to authorize the Guarantee of Certain Securities of The Canadian Northern Western Railway Company* (hereinafter called the said Act) provision was made for the guaranteeing by the Province of Alberta of securities in respect amongst other things of certain lines which The Canadian Northern Western Railway Company (hereinafter called "the company") was authorized to construct and for the securing of the guaranteed securities by means of certain mortgages or deeds of trust;

And whereas by chapter 20 of the Statutes of Alberta, passed in the year 1913 (1st Session), entitled *An Act to authorize the Guarantee of Certain Securities of The Canadian Northern Western Railway Company*, the said Act was amended by altering the rate of interest of the securities authorized to be guaranteed by the province under the provisions of the said Act from four per centum per annum to four and one-half per centum per annum;

And whereas by section 10 of the said Act it was amongst other things enacted that provision might be made for the issue from time to time ranking *pari passu* with the securities guaranteed under the said Act and without preference or priority one over the other of additional securities of similar kind, tenor and effect in respect of the mileage of any of the lines mentioned in the schedule to the said Act; provided that before any such additional securities were issued the guarantee by the province of the payment of the principal and interest thereof should first have been authorized and the amounts to be issued per mile in respect of such mileage should first have been fixed by the Legislative Assembly and that such guarantee should first have been given pursuant to such authorization;

And whereas it is expedient to authorize the guarantee by the province of additional securities pursuant to the said provision;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council is hereby authorized on such terms and conditions not inconsistent with the provisions of this Act as may be agreed upon with the company to guarantee the payment of the principal and interest of additional bonds, debentures, debenture stock or other securities (hereinafter called additional securities) of the company to the extent and upon the terms hereinafter set forth.

2. The additional securities shall form part of the securities secured by the mortgage or mortgages, deed or deeds of trust securing the guaranteed securities authorized to be issued and guaranteed by the said Act as so amended and the additional securities shall be limited to an amount represented by five thousand dollars (\$5,000) per mile of one hundred miles of the mileage of the following line of railway, being the line of railway described in clause 5 of the schedule to the said Act, namely: A line of railway from a point on the constructed line of The Canadian Northern Railway at or near Edmonton; thence in a north-easterly and easterly direction on the north side of the North Saskatchewan River to St. Paul de Metis and thence to the eastern boundary of the Province of Alberta.

3. Before the additional securities are issued or guaranteed such supplementary mortgages or deeds of trust covering the said mileage of the said line in the last preceding clause mentioned as shall be necessary or expedient to be taken shall, as provided in section 11 of the said Act as so amended be taken to the trustees of the mortgage or mortgages, deed or deeds of trust, securing the guaranteed securities authorized to be issued and guaranteed pursuant to the said Act as so amended in the form approved by the Lieutenant Governor in Council.

4. The certificate of the Minister of Railways and Telephones for Alberta as to the mileage of the portion of the line of railway hereinbefore described shall, for the purposes of this Act and of the additional securities, be conclusive.

5. All the provisions of the said Act as so amended not inconsistent with the provisions of this Act shall apply to the additional securities issued and guaranteed in pursuance hereof.

6. The said line shall be completed and ready for traffic on or before the 31st day of December, 1915.

1915

CHAPTER 21.

An Act to Authorize the Guarantee of Certain Securities of the Edmonton, Dunvegan and British Columbia Railway Company.

(See also 1914, c. 27.)

(Assented to April 17, 1915.)

WHEREAS by chapter 27 of the Statutes of Alberta, passed in the year 1914, entitled "*An Act to authorize the Guarantee of Certain Securities of the Edmonton, Dunvegan and British Columbia Railway Company*" (hereinafter called "the said Act") provision was made for the guaranteeing by the Province of Alberta of securities in respect of a certain portion of the railway line of the Edmonton, Dunvegan and British Columbia Railway Company (hereinafter called "the company") which the company was authorized to construct, and for the securing of the guaranteed securities by means of certain mortgages or deeds of trust;

And whereas by section 10 of the said Act it was amongst other things enacted that provision might be made for the issue from time to time ranking *pari passu* with the securities guaranteed under the said Act, and without preference or priority one over the other, of additional securities of similar kind, tenor and effect not exceeding twenty thousand dollars (\$20,000) per mile of additional lines of railway in the Province of Alberta to be thereafter constructed by the company; provided that before such additional securities were issued the guarantee by the province of the payment of the principal and interest thereof should first have been authorized and the amounts to be issued per mile in respect of such lines should first have been fixed by the Legislative Assembly, and that such guarantee should first have been given pursuant to such authorization;

And whereas it is expedient to authorize the guarantee by the province of additional securities pursuant to the said provision;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The Lieutenant Governor in Council is hereby authorized on such terms and conditions not inconsistent with the provisions of this Act as may be agreed upon with the company to guarantee the payment of the principal and interest of additional bonds, debentures, debenture stock or other securities (hereinafter called "additional securities") of the company to the extent and upon the terms hereinafter set forth.

2. The additional securities shall form part of the issue secured by the mortgage or mortgages, deed or deeds of trust, securing the guaranteed securities authorized to be issued and guaranteed

by the said Act; and additional securities shall be limited to an amount represented by twenty thousand dollars (\$20,000) per mile in respect of a mileage of sixty miles of the additional line of railway hereinafter mentioned, being the mileage of the said additional line from the main line of the Edmonton, Dunvegan and British Columbia Railway to or through Grande Prairie City, the said additional line of railway being a line of railway from some point on the main line of the Edmonton, Dunvegan and British Columbia Railway as located in townships seventy-seven, seventy-eight or seventy-nine, ranges three, four, five or six, west of the sixth principal meridian in the Province of Alberta; thence in a general southerly direction through Grande Prairie land district; thence in a southerly direction at or near Jasper House in the Province of Alberta.

3. Before the additional securities are issued and guaranteed, such supplementary mortgages or deeds of trust (if any) covering the lines mentioned in the said Act and the additional line of railway as shall be necessary or expedient to be taken, shall, as provided in section 11 of the said Act be taken to the trustees of the mortgage or mortgages, deed or deeds of trust securing the guaranteed securities authorized to be issued and guaranteed pursuant to the said Act in the form approved by the Lieutenant Governor in Council.

4. The certificate of the Minister of Railways and Telephones for Alberta as to the mileage of the portion of the additional line of railway in clause 2 hereof mentioned shall, for the purposes of this Act and of the additional securities, be conclusive.

5. Construction upon the said portion of the said additional line of railway shall be commenced on or before the 1st day of August, 1915, and the said portion of the said additional line shall be completed and ready for traffic on or before the 31st day of December, 1916.

6. All the provisions of the said Act not inconsistent with the provisions of this Act shall apply to the said portion of the additional line of railway and to the additional securities issued and guaranteed in pursuance hereof.

1915

CHAPTER 22.

An Act to amend Chapter 10 of the Statutes of Alberta, 1910 (2nd Session), as amended by Chapter 3 of the Statutes of Alberta, 1913 (2nd Session), and as amended by Chapter 19 of the Statutes of Alberta, 1914, cited as "The Provincial Loans Act."

(Consolidated in the various Acts.)

CHAPTER 23.

An Act to close and vest in His Majesty, in the right of the Province of Alberta, Certain Highways in the City of Edmonton.*(Assented to April 17, 1915.)*

WHEREAS the municipal council of the City of Edmonton, by various agreements and by-laws, has agreed to close and transfer to His Majesty in the right of the Province of Alberta for a legislative building site, the following highways in the said city, namely:

All that part of Macleod Avenue lying between the westerly limit of Sixth Street and the easterly limit of Seventh Street and north of the northerly limit of the right-of-way of the Edmonton, Yukon and Pacific Railway;

All that part of Calgary Avenue lying between the westerly limit of Sixth Street and the easterly limit of Seventh Street;

All that portion of Saskatchewan Avenue lying west of the westerly limit of the lane in Block 6 and south of the diversion of Saskatchewan Avenue;

All that portion of Seventh Street lying south of the southerly limit of Saskatchewan Avenue and north of the northerly limit of the right-of-way of the Edmonton, Yukon and Pacific Railway;

All that portion of Seventh Street lying north of the northerly limit of Saskatchewan Avenue and south of the southerly limit of the diversion of Saskatchewan Avenue;

All that portion of Eighth Street lying north of the northerly limit of Saskatchewan Avenue and south of the southerly limit of the diversion of Saskatchewan Avenue;

All of the lane in block 6 lying south of the southerly limit of lot 107 in the said block and north of the northerly limit of Calgary Avenue, and all that part of the said lane in the said block 6 lying south of the southerly limit of Calgary Avenue and north of the northerly limit of Macleod Avenue;

All that portion of the lane in block 7 lying north of the northerly limit of Saskatchewan Avenue and south of the southerly limit of the diversion of Saskatchewan Avenue;

All the above described property being in the Hudson's Bay Reserve in the City of Edmonton;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. The said highways above described and each and every of them are hereby closed as public highways and the fee in each and every of them is hereby vested in His Majesty in the right of the Province of Alberta.

2. All claims and demands whatsoever at law or equity or by virtue of any statute, in respect of the closing of the said highways or any part of them, are hereby forever barred and extinguished.

NOTE.—Chapters 24 to 39 inclusive are Private Acts.

TABLE OF LOCAL AND PRIVATE ACTS

OF THE

PROVINCE OF ALBERTA

WITH AMENDING ACTS UP TO AND INCLUDING 1915

A			
SUBJECT	YEAR	CAP.	AMENDING ACTS
A.F. and A.M., Grand Lodge of Alberta...	1908	22	
Alberta and Great Waterways Railway Co..	1909	46	1909, c. 16 and 46; 1910 (2), c. 9; 1910 (2), c. 11; 1913 (2), c. 6 (1); 1915, c. 2, s. 10.
Alberta Canadian Insurance Co.....	1906	59	
Alberta Club, Ordinance 26 of 1904.....	1911-12	75	
Alberta Commercial Travellers' Ass'n.....	1911-12	44	
Alberta Fidelity Trust Co.....	1911-12	73	
Alberta Ladies' College of Red Deer.....	1913 (1)	78	
Alberta Metropolitan Railway Co.....	1911-12	33	1913 (1), c. 47.
Alberta Missionary Society, Disciples of Christ.....	1911-12	46	
Alberta Midland Railway Co.....	1909	45	
Alberta North Western Railway Co.....	1906	53	1908, c. 29; 1909, c. 47; 1910 (2), c. 46; 1913 (1), c. 9, s. 14.
Alberta Norwegian Lutheran College Ass'n..	1913 (1)	77	
Alberta Oil, Coal and Wheat Railway Co...	1906	48	1909, c. 51.
Alberta Pacific Elevator Co.....	1906	58	
Alberta Pacific Railway Co.....	1910 (2)	47	1912, c. 30.
Alberta Railway & Irrigation Co.....	1910 (2)	32	
Alberta Southern Railway Co.....	1906	52	
Alberta Saskatchewan Central Railway Lines	1910 (1)	18	
Alberta Sunday School Ass'n.....	1911-12	48	
Alberta Western Railway Co.....	1910 (2)	53	
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Apostolic Syndics Franciscan Friars.....	{ 1910 (2)	34	
	{ 1911-12	53	
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Athabasca Club.....	1913 (1)	63	
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Athabasca Valley Railway Co.....	1911-12	31	1913 (2), c. 41; 1914, c. 35.
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B			
Baptist Union of Western Canada.....	1910 (2)	22	
Bassano, Town of.....	1914	45	
Bassano Electric Railway Co.....	1911-12	38	1913 (2), c. 2, s. 24.
Bassano and Bow Valley Railway Co.....	1915	34	
Benevolent & Protective Order of Elks....	1913 (1)	73	1914, c. 52.
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Bishop of Edmonton.....	1914	48	
Bishop Pinkham College.....	1913 (2)	50	
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Bow River Collieries Railway Co.....	1908	28	1910 (1), c. 21; 1913 (1), c. 45.

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SUBJECT	YEAR	CAP.	AMENDING ACTS
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Bowness Golf & Country Club.....	1913 (2)	52	
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British Canadian Trust & Guarantee Co....	1913 (1)	56	
Brule Lake Railway Co.....	1913 (1)	41	1915, c. 35.
C			
Calgary Charter, 33 of 1893, N.W.T.....			1906, c. 55; 1907, c. 32; 1907, c. 33; 1908, c. 36; 1909, c. 25; 1910 (1), c. 3; 1910 (2), c. 28; 1911-12, c. 63; 1911-12, c. 64; 1911- 12, c. 65; 1913 (1), c. 27; 1913 (1), c. 35; 1913 (2), c. 31; 1913 (2), c. 30; 1914, c. 40; 1914, c. 41; 1915, c. 26.
Calgary College.....	1910 (2)	35	1909, c. 19.
Calgary Commercial Club.....	1913 (2)	53	
Calgary Fire Insurance Co.....	1907	45	
Calgary Golf & Country Club.....	1910 (2)	36	
Calgary Hospitals' Board.....	1914	46	1909, c. 41.
Calgary Knee Hill Railway Co.....	1907	26	
Calgary Musicians' Club.....	1913 (1)	70	
Calgary St. Andrew's Golf Club.....	1913 (1)	57	
Calgary Stock Exchange.....	1913 (2)	45	1910 (1), c. 8; 1911- 12, c. 54.
Calgary Petrol Interurban Railway Co. . .	1913 (2)	42	
Calgary South East Electric Railway Co...	1911-12	37	
Calgary (East) Power Co.....	1913 (1)	43	
Calgary University.....	1913 (1)	75	1911-12, c. 29; 1913 (1), c. 40; 1915, c. 2, s. 8.
Calgary Y.M.C.A.....	1908	25	
Calgary Y.W.C.A.....	1910 (2)	41	
Camrose Canadian Club.....	1908	31	
Camrose, Town of.....	1909	18	1911-12, c. 59. 1906, c. 72; 1907, c. 37; 1910 (1), c. 6; 1913 (1), c. 26.
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Crows Nest & Prairie Electric Railway Co..	1907	28	

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Diamond Railway Co.	1907	25	
Diamond Coal Co., Ltd	1910 (1)	17	
Dominion Club	1913 (2)	56	
Dominion Trust Co.	1913 (1)	60	
Douglas Club	1913 (1)	66	
E			
Eastern Club	1913 (2)	57	
East Calgary Power Co.	1913 (1)	43	
Edmonton and Athabasca Development Co.	1906	35	
Edmonton and Athabasca Railway Co.	1906	51	
Edmonton and the C. & E. and C. P. Rail- way Co. Agreement	1911-12	67	
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Edmonton and the G.T.P. Railway Co.	1907	36	
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Edmonton Country Club	1911-12	77	1913 (1), c. 69.
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Edmonton City Hospital	1910 (2)	45	
Edmonton City Charter	1913 (1)	23	1906, c. 76; 1907, c. 35; 1908, c. 32; 1908, c. 34; 1909, c. 28; 1910 (1), c. 5; 1910 (2), c. 29; 1911-12, c. 66, 67, 68; 1911-12, c. 69 1913 (1), c. 23, 1913 (2), c. 32; 1914, c. 37; 1915, c. 24.
Edmonton Commercial Club	1913 (2)	54	
Edmonton Diocese	1914	48	
Edmonton Interurban Railway Co.	1910 (2)	49	1911-12, c. 36.
Edmonton Jesuit College	1913 (1)	80	1913 (1), c. 81.
Edmonton Jockey Club	1913 (1)	72	
Edmonton Municipal and School Elections for year 1911	1911-12	70	
Edmonton Military Institute	1911-12	72	
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Edmonton Public Hospital, N.W.T. 1900, c. 43	1906, c. 36; 1910 (2), c. 45.
Edmonton Radial Railway Co.	1908	33	1909, c. 28; 1911-12, c. 68, s. 11.
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Edmonton School District No. 7	1913 (2)	43	
Edmonton School Elections, 1911	1911-12	70	
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Edmonton Y.M.C.A.	1907	40	
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G			
Galt Hospital.....	1909	22	1913 (1), c. 58.
Galt Park and Lethbridge City.....	1910 (2)	32	
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Great West Permanent Loan Co.....	1910 (1)	16	
Great West Club.....	1913 (2)	59	
Greek Canadian Club.....	1913 (2)	60	
Granger Collieries, Ltd.....	1914	31	
Gull Lake Village.....	1913 (1)	31	
H			
Harmonie Club.....	1908	24	
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High River Club.....	1906	61	
High River, Town of.....	1910 (1)	11	1913 (2), c. 33.
High River & Hudson's Bay Railway Co.....	1910 (2)	51	1913 (1), c. 42; 1914, c. 33.
High River General Hospital.....	1910 (1)	13	
I			
Investors' Guarantee Co. of Canada, N.W.T. 1904, c. 35.....			1906, c. 71.
J			
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Jasper Trust Co.....	1913 (2)	47	
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K			
Karrer, Paul.....	1913 (2)	48	
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L			
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Lacombe & Blindman Valley Electric Rail- way Co.....	1909	48	1910 (2), c. 55; 1913 (1), c. 53.
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Lacombe, Bullockville and Alix Electric Rail- way Co.....	1909	49	1910 (2), c. 54.
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